United Nations S/PV.5089

Security Council

Fifty-ninth year

Provisional

5089th meeting

Monday, 29 November 2004, 10 a.m.

New York

President:	Mr. Danforth/Mrs. Patterson	(United States of America)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Pakistan	Mr. Khalid
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2004/907)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-62523 (E)

The meeting was called to order at 10.55 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2004/907)

The President: I should like to inform the Council that I have received letters from the representatives of Albania, Japan, the Netherlands, Norway, Serbia and Montenegro and Switzerland, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Ćović (Serbia and Montenegro) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the usual practice and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to the Special Representative of the Secretary-General, the head of the United Nations Interim Administration Mission in Kosovo.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jessen-Petersen took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2004/907). At this meeting the Security Council will hear a briefing by the Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo. I now give him the floor.

Mr. Jessen-Petersen: Mr. President, thank you for giving me this opportunity. I am very pleased to address the Security Council three and a half months after beginning my mission in Kosovo.

When I arrived in Priština on 15 August, I expressed my belief that there could be no normalization and no stabilization in the Western Balkans without a resolution of the Kosovo issue. I am more than ever convinced of this. I outlined the following five mission priorities at the start: security as the basis of all action; prioritizing standards and accelerating their implementation; further transfer of competencies to the Provisional Institutions of Self-Government with increased capacity-building, but also accompanied by greater accountability; protection of minorities, including freedom of movement and returns of displaced persons, as key components of the standards; and, finally, moving aggressively on the economy, an overarching priority.

Guided by the recommendations in Ambassador Eide's report and based on meetings the Secretary-General had with the Contact Group last September, we have agreed on a way forward in implementing the five priorities. Let me say a few words about each of them.

First, on security, the violence last March showed just how fragile the security environment in Kosovo can be. Since then, the security situation has improved significantly. The last eight months have seen only one serious ethnic-related incident. The recent election campaign, and election day itself, were peaceful. Cooperation with the Kosovo Force (KFOR) is excellent. There is close coordination between the United Nations Interim Administration Mission in Kosovo (UNMIK) police, the Kosovo Police Service, and KFOR at all levels. Command, control, communications and liaison arrangements have been strengthened, including the establishment of joint operations centres. The Kosovo Police Service now has its own special unit to respond to unrest, in addition to the three United Nations special police units already deployed.

We are also addressing security through various consultative mechanisms. The Kosovo Security

Advisory Group, established last July, brings together representatives of all communities to build confidence; we very much hope that the Kosovo Serbs will soon rejoin the Group. We have also established local crime prevention councils in all municipalities, bringing together all ethnic communities and international representatives in order to tackle security issues at the grass-roots level.

Finally, concerning the presence of the Kosovo Force (KFOR), I would like to add that I appealed to NATO ambassadors in an address on 10 November to stay the course and maintain the current force size. We are entering a crucial phase in Kosovo, and it is more than ever essential that we closely synchronize our political strategy with the right level of military preparedness and ability to respond.

I now turn to standards. Standards remain the central plank of the international community's policy in Kosovo. At the same time, it is — and must be — the overriding priority of the new Government to implement standards prior to the planned formal assessment of progress in the middle of next year. As members are aware, UNMIK is now assessing Kosovo's progress in quarterly technical reviews annexed to the political reports of the Secretary-General. Our first assessment — covering the period through September of this year — shows that, although progress has been made in some areas, it has been uneven, and that there is still much work ahead for the Provisional Institutions of Self-Government.

Achieving progress on all eight standards remains our basic policy. At the same time, against the planned timeline of a review in mid-2005, one cannot expect the more than 400 detailed indicators laid out in the Standards Implementation Plan to be fulfilled. But one can expect — and one must demand — real progress in the implementation of those standards that together contribute most to the establishment of a multi-ethnic Kosovo.

Therefore, in agreement with the Secretary-General and with the support of the Contact Group, I am placing particular emphasis on key priorities in the areas of the rule of law, freedom of movement, returns of displaced persons, functioning local institutions and security. We are addressing issues on which Kosovo failed in March, and we are insisting that significant progress be made on them by mid-2005 at the latest. Clear criteria, measurable indicators and joint UNMIK-Provisional Institutions working groups are now in place. Progress is achievable, and I believe that a determined new Government could achieve it in the time available.

We have also moved forward on the further transfer of competencies to the Provisional Institutions of Self-Government. I recently agreed to establish three new ministries: one on returns and communities, one on energy and mining, and one on local self-government. That is in line with our strategy that all competencies not directly involving sovereignty should be transferred as soon as possible. I intend to go ahead with further transfers, notably in the area of the economy and also, in due course, in areas linked to justice and security.

The transfer of competencies must be accompanied by more effective capacity-building. To that end, we are re-energizing donor efforts to help the Provisional Institutions of Self-Government to build capacity. In a recent meeting, the Provisional Institutions and donors agreed to work together on a comprehensive strategy and implementation plan to ensure that we not only identify, but also address, gaps in capacity at the central and municipal levels. The transfer of competencies must also be accompanied by greater accountability on the part of the Provisional Institutions. To that end, I have been looking closely at my powers to intervene and, as necessary, to impose sanctions. Allow me to come back to that subject in a few minutes.

A vital aspect of our work revolves around protecting the rights of minority communities, which is now the main focus of the standards. The authorities must ensure that all communities feel safe and secure and that they are able to live normal lives, free of fear and intimidation.

One key way of reaching out to the communities is through decentralization or reform of local government to form a basis for the successful integration of Kosovo's minority communities into the fabric of society. With the assistance of UNMIK, a Provisional Institutions working group, with the participation of Kosovo Serbs and with the support of the Council of Europe, formulated a decentralization plan during the summer. It is a practical programme aimed at building links between local authorities and citizens, giving all citizens equal access to all rights.

Let me be clear: territorial division is neither desirable in principle nor workable in a relatively small territory where only one third of the Kosovo Serb population is concentrated north of the Ibar River and the remaining two thirds is scattered across the rest of Kosovo, mostly in rural areas. However, it is exactly because of their isolated and exposed locations that their security, as well as their economic and social rights, must be ensured through the plan on meaningful self-government developed by the working group in Kosovo.

We have also, in agreement with the Provisional Institutions of Self-Government, invited Belgrade to provide advisory support for the meetings of the working group as well as elements from a plan developed in Belgrade that could enrich the Provisional Institutions decentralization plan. The working group met just last Tuesday to work on the criteria for pilot projects. We are moving forward, and I very much hope that the Kosovo Serbs will join. It is in their direct interest to participate, and it is in our interest that they do so.

Dialogue at various levels is key. I hope that, in addition to the principal Pristina-based dialogue between Kosovo's majority and minority communities, we can resume and reinforce the direct dialogue between Pristina and Belgrade. I have visited Belgrade twice since assuming office, and I have had good, constructive talks. We now need to move forward on direct dialogue. The four working groups established by my predecessor one year ago are dormant, and we are looking into ways in which to resuscitate them.

Most important, we must make progress on the issue of missing persons. I recently suggested to Prime Minister Kostunica that we restart the dialogue on missing persons under the auspices of the International Committee of the Red Cross, and I very much hope for a positive reply. Not moving forward on that issue or linking it to other issues would mean adding further pain to the agonies of the families of missing persons, who have a right to know as soon as possible what has happened to their loved ones. Too much time has already passed by with respect to that unbearable uncertainty.

While I am speaking about dialogue, let me underline the importance of maintaining a regular dialogue with the region. I have already visited Tirana, Skopje and Podgorica, and I will continue that regional dialogue.

Let me now address returns of displaced persons. Improved security and freedom of movement are the pivotal factors for accelerating the return of displaced persons to Kosovo. UNMIK and KFOR are now better positioned to provide protection, but only Kosovo Albanian leaders and Kosovo society can and must effectively dispel the need for such protection and create true security.

We have revisited our returns strategy, and we are looking at a combination of more specific initiatives on security and freedom of movement; incentives or disincentives for cooperative or obstructive officials, respectively; and more targeted use of sanctions. If action is taken, this spring could see a significant increase in returns. The Provisional Institutions of Self-Government are aware that, without such progress, one of the key priority standards will remain unmet. The progress made in recent weeks demonstrates that returns can move forward, even in relatively difficult areas where local authorities have moved from obstruction to support of returns. Although the March violence marked a huge setback, work intended to begin last spring is now moving forward in a number of areas in Kosovo.

Let me say few words on reconstruction following the March riots. The Provisional Institutions immediately recognized their responsibility to reconstruct damaged or destroyed property and set up a commission that has made substantial progress. Work on the majority of the more than 900 affected homes has been completed. However, more than 2,000 people who were displaced in March have not yet returned to their reconstructed homes.

The momentum we saw in August and September slowed in the period leading up to elections and afterwards. The new Government must immediately focus on completing the unfinished work.

The Government's obligation to reconstruct extends also to religious sites. Assessments have been carried out in cooperation with the Council of Europe. The Provisional Institutions have allocated €3.7 million from the Kosovo Consolidated Budget, and I have allocated €500,000 for immediate reconstruction on all 35 religious sites. More money could be made available. However, a disagreement with the Orthodox Church over the tendering process and its withdrawal

from the implementation commission have temporarily halted reconstruction of church property.

Prosecution of crimes related to the March riots has also proceeded. More than 270 persons have been arrested for criminal acts related to the riots, and both international and local prosecutors are handling the cases. A number of indictments are being or will be filed, and some verdicts have been rendered. The judicial process will be pursued rigorously to make sure that no crime goes unpunished.

The very bad economic situation, which is the Mission's fifth and overarching priority, is possibly the biggest threat to stability and reconciliation. At the same time, the bad economic situation is the most obvious consequence of the lack of certainty on the issue of status. Work has been under way for some time to elaborate a national economic development plan. This work must and will be accelerated. I expect the European Union to play an increasingly active role in that effort.

While we work on longer-term measures to improve the economy, we have undertaken short-term efforts to address joblessness. Last August, UNMIK, the United Nations Development Programme and the Provisional Institutions launched an employment project aimed at creating jobs and encouraging employers to hire more young people in the short term, thus improving social conditions. We hope to build on that initiative by working on other employment-related quick-impact projects at the municipal level.

Meanwhile, we must move on privatization now in order to stimulate the economy. As noted in the technical assessment, the privatization process has moved forward in line with the objective of completing the process by mid- to late 2006. However, outstanding legal issues remain, and illegal seizure of socially owned enterprise land by municipalities is an ongoing problem. We still have blockages due to unclear ownership issues. We are, however, close to finding a possible solution that would ensure that privatization goes ahead without delay.

Let me come back now to a subject I mentioned earlier. I am closely examining how I can help to ensure progress in implementing standards by actively enforcing accountability. UNMIK is prepared to deal with officials — at both the central and municipal levels — who fail to carry out their duties responsibly or who block attempts to make improvements in key areas. Those areas include, but are not limited to, minority rights, freedom of movement, the return of displaced persons, equal provision of services, responsible media and security.

There are a number of tools and measures at my disposal, based on Security Council resolution 1244 (1999), to help ensure compliance. The use of disciplinary measures must, of course, be commensurate with offences and employed only as a last resort. The Government has a primary responsibility here in taking all measures to ensure progress. I hope therefore that I will not need to use sanctions, but I am fully prepared to do so in the interests of progress towards standards and status in Kosovo. Such sanctions would be applied regardless of party affiliation and regardless of ethnicity.

Let me turn finally to the recent developments linked to the Assembly elections of 23 October — elections which were determined to be free and fair by the Council of Europe observation mission. The elections were also monitored by over 13,000 local observers from political entities and non-governmental organizations representing all communities in such a way as to ensure transparency and acceptance of the results.

The elections were conducted with considerable success and for the first time by a local body, the Central Election Commission, under the oversight of UNMIK's Democratization Pillar, and were managed by the Organization for Security and Cooperation in Europe. No significant incidents of a political or security nature interrupted polling, which generally took place in a completely safe and secure environment that allowed people to vote freely.

While the overall turnout was good, I regret very much the disappointingly low turnout of the Kosovo Serbs. Certainly, many of the Kosovo Serbs are dissatisfied with their living conditions, including inadequate freedom of movement and concerns about security and the economic situation. It is also true that Kosovo Serb politicians registered late, following the much appreciated call to participate by President Tadic of Serbia, and therefore they had very little time to mobilize voters. Belgrade was divided, and there were calls by leading authorities in the Serbian Government and the Serbian Orthodox Church for a boycott. Another reason for the low turnout was intimidation

and antidemocratic pressure not to vote, with the resulting fear of retribution.

Following the elections, I urged the parties to proceed with all speed in constituting the Assembly and forming a new Government. I also urged all parties to reach out to improve the living conditions of the Kosovo Serbs as a necessary first act once the new Government was formed.

Although it might well have been preferable at this stage to have a broad coalition in place, a narrower grouping of political parties — the Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK) — decided, in full accordance with democratic principles, to form a coalition and prepare for government. The coalition agreement, and the possible appointment of Mr. Ramush Haradinaj as Prime Minister, has raised some questions and concerns in view of continuing reports that the International Criminal Tribunal for the former Yugoslavia (ICTY) is pursuing a case related to him. However, the international community has supported my decision not to intervene or block the democratic process. Indeed, what we are seeing right now is democracy at work. If the ICTY proceeds with its case against Mr. Haradinaj, I trust it will be based, in accordance with its mandate and responsibility, on justice. And should this occur, I am confident that Kosovo will show the world and the region an example of compliance with the judiciary process, just as they have shown respect for democracy.

Meanwhile, I am continuing consultations to ensure the establishment of functional institutions capable of implementing standards with the necessary speed and of the necessary quality. We are looking closely at the coalition's programme and its list of proposed ministers. We need to help ensure that the new Government is as capable as possible of tackling the difficult tasks ahead.

Kosovo will for the first time also have a strong parliamentary opposition. I trust that the opposition, when playing its legitimate and democratic role, will show mature political judgement in the interest of Kosovo's move towards a review of standards and status talks.

I hope it is clear from all I have said that we face a challenging and at times difficult way ahead in Kosovo. Over the last four months, we have taken significant steps forward in close partnership with the Provisional Institutions of Self-Government, in dialogue with Belgrade and with strong support from the Contact Group and from our partnership with the European Union, the Organization for Security and Cooperation in Europe and NATO's International Security Force in Kosovo. We have developed a comprehensive, integrated strategy, a clear and consistent plan of action, and a tight — but not impossible — timetable.

After almost five years of managing a holding operation in Kosovo, we may be moving towards the end game, that is, talks on final status. The political leaders and the people of Kosovo know that only action, implementation of priority standards, and hard work will get them to that goal. In return, they will expect — and we will continue to need — strong international support. I am confident that we can count on the Security Council's full backing as we move forward.

The President: I shall now give the floor to Mr. Nebojsa Čović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija.

Mr. Čović (Serbia and Montenegro) (*spoke in Serbian; interpretation provided by the delegation*): On behalf of the Council of Ministers of Serbia and Montenegro and the Government of the Republic of Serbia, I would like to avail myself of this opportunity to extend to you assurances of the highest consideration and express pleasure for being able to take part in today's session of the Security Council on Kosovo and Metohija. Of course, I would like to extend my appreciation to Mr. Jessen-Petersen for his interesting statement.

Let me start by describing briefly the circumstances following the recent parliamentary elections in the province. I would like to remind you that only around 0.3 per cent of Kosovo and Metohija Serbs participated in the elections, after which Belgrade and the Serbian Orthodox Church were accused of undermining the multi-ethnic society in Kosovo and Metohija. Such accusations are a classic case of misconstrued truth, since Kosovo and Metohija Serbs' abstinence was not the consequence of Belgrade's public position that there were no elementary democratic conditions for the Serbs to take part in the elections. Their non-participation in the elections was the consequence of the failed efforts in

establishing and achieving the standards of a truly multi-ethnic society in the province. Simply, the position of the Serbian community in Kosovo and Metohija is such that they have no confidence whatsoever in the Provisional Institutions of Self-Government nor do they have any hope that they can realize their interests through these institutions.

The human rights of the members of the Serbian and other non-Albanian ethnic communities are still violated in Kosovo and Metohija. There is no security and freedom of movement for these communities. They are still subject to intimidation and persecution. Their property is snatched and set on fire. The only message they could hear from the Albanian political leaders before the elections was that Kosovo and Metohija would inevitably be independent and that it was up to them to decide whether they would live in an independent Kosovo and Metohija or not. Is this the way one should build confidence? Is it not one of the basic principles of a multi-ethnic democratic society that a majority ethnic community should provide protection to minorities or at least refrain from threatening them? Regrettably, this has not been the case in Kosovo and Metohija.

Let us go back briefly in time, to the period before the first elections in the province in November 2001, when Belgrade, in the spirit of good will and a constructive approach and out of the belief that all parties to the process should do their best in building a truly multi-ethnic society with equal rights for all people, encouraged Kosovo and Metohija Serbs to take part in the electoral process. After the necessary guarantees had been provided by the Common Document, signed on 5 November 2001 between the Federal Republic of Yugoslavia and the United Nations Interim Administration Mission in Kosovo (UNMIK), the Serbs took part in the elections and joined the Provisional Institutions of Self-Government. Intensive talks followed, as well as signing of a number of agreements that were to improve everyday living conditions of all citizens in Kosovo and Metohija. However, as time went by, it became clear that the Serb representatives were only window dressing in the Provisional Institutions of Self-Government, and every new Special Representative additionally ignored UNMIK's commitments made in the agreements that had been signed. Although it has continued to be treated declaratively as an active participant in the process of finding a solution to the Kosovo and Metohija problem, Belgrade has been, in fact, gradually shut out of the process, and the position of the Serbs has further deteriorated.

United Nations Interim Administration Mission in Kosovo reports have swept this situation under the carpet for months, even years. And then, the murders of Serbs in Obilic and Gorazdevac were committed, and then the violence of 17 March took place. Throughout this time, the Serbs continued to participate in the work of the Provisional Institutions with stoicism and hope that things would change. Alas, there were no results whatsoever.

Not only did the events of 17 and 18 March destroy all their hopes, but they also brought to ashes the credibility of the reports on the progress made in building the multi-ethnic Kosovo and Metohija. These events, what preceded them and what followed, forced us in Belgrade to use all possible arguments to call the Serbian community once again to participate in the elections. The 17 March violence, despite all harsh condemnations and declared determination to have everything restored to its pre-violence condition, continues even today.

A couple of days ago, eight full months had passed since the March events took place. It is late November now, the winter is here already, and more than 2,100 people are still out of their homes. Almost 500 Serbs and other non-Albanians internally displaced on 17 March still live in collective centres! Half of the houses damaged have not been reconstructed yet, not to mention the churches and the monasteries. Throughout this time, all efforts have been directed almost exclusively towards settling the consequences of the March violence. The program of the return of over 200,000 people internally displaced before 17 March has been totally neglected, partially due to UNMIK's inability to work simultaneously on both programmes, and partially because of the fact that the funds earmarked for the regular returns program have been lent to the Provisional Institutions of Self-Government to enable them to reconstruct the houses damaged on 17 March. Was it necessary to use the funds that were set aside for returns? I do not know the answer to this question. What I know is that of 1,500 families that were planned to return before 17 March, only 120 have returned.

In light of everything that has happened in Kosovo and Metohija for years, for decades, it is an

indisputable fact that it will take years, perhaps decades, to create a truly multi-ethnic society in the province. Look at Bosnia and Herzegovina, where the inter-ethnic strife before the conflict was negligible in comparison with the situation in Kosovo and Metohija; however, it took years for the people in Bosnia and Herzegovina to learn to live with each other again. Is there willingness in the international community to remain actively engaged in this problem as long as it is necessary — for 10 years, 15, or perhaps 20?

This brings us to the following questions. Do we want to solve the problem for good, in a thorough and sustainable way, or just have it formally off the agenda? Does the international community need the Serbs in the Assembly of Kosovo just as evidence that the Provisional Institutions of Self-Government are multi-ethnic? The previous three years showed that the Serbs were not able to improve the elementary living conditions by working through the institutions. Will Kosovo and Metohija Serbs, by non-participating in the elections and in the work of the Provisional Institutions, manage to draw the attention of the world to their position and prevent a positive assessment to be made of the progress achieved in the democratization process, or will a positive assessment be made in any case and the Serbs be blamed again for undermining the multi-ethnic society?

Given the reality in Kosovo and Metohija and the fact that the basic rights of the Serbs and other non-Albanians are arrogantly violated, the government of the Republic of Serbia firmly believes that the decentralization of the government in Kosovo and Metohija is the best way to secure the survival and security of the Serbs and other non-Albanians and their return to the province. Only additional and enhanced institutionalization of the position of the Serb community can guarantee the survival of the multi-ethnic character of Kosovo and Metohija. If the Serbs could autonomously decide on a number of their vital interests, their participation in the work of all other self-government institutions would be easier and more certain.

Along with the increased engagement of Belgrade in the process of harmonizing UNMIK's decentralization plan and the plan of the government of the Republic of Serbia, that is the only solution that will lead to normalization and stabilization of the overall situation in the province. And since decentralization is not a local issue, direct participation of Belgrade representatives in those talks will be the best guarantee for reaching a successful solution, with the full reconciliation of the two existing plans.

Recent statements that the countdown has already started and that the process will go on with or without Belgrade and with or without the Serbs are most disconcerting. The recommendations on the process in Kosovo and Metohija that the Secretary-General, Mr. Kofi Annan, presented to the Security Council in his report of 17 November — which reiterate the need to comply fully with Security Council resolution 1244 (1999), and the position that it is unacceptable to begin talks on the status of the province until the prescribed standards have been fully met — raise hope but are at odds with what has been going on in the field. In that context, reducing the role of Belgrade to an advisory or even an observer's role cannot be seen as a constructive approach in compliance with resolution 1244 (1999) and the Common Document, which would speed up the processes that are vital for finding a sustainable solution.

The authorities in Belgrade have showed on many occasions that they sincerely support the idea of establishing a modern, multi-ethnic society in the province and that they are willing and open to engage in cooperation with the international community and the Provisional Institutions. I would like to reiterate today that the international community has a sincere and reliable partner in Belgrade. However, cooperation is a two-way process in which both parties respect each other and in which commitments made and words given are important. Unilateral attempts to change the name of the game, failure to fulfil what has been agreed on and a one-sided approach cannot be considered cooperation. Of course, any solution can be forced on all parties, and I will not attempt to deny it. But a solution made without the active participation of Belgrade would not be sustainable because it would only sweep the problem of the security and the stability of the region under the carpet for a brief period of time. That brings me back to the question I have asked already: do we want to solve the problem for good, in a thorough and sustainable way, or just have it formally off the agenda?

Mr. Baali (Algeria) (*spoke in French*): At the outset, I thank Mr. Søren Jessen-Petersen for his excellent presentation to the Security Council and commend him for the work he has accomplished on the ground since his appointment to head the United

Nations Interim Administration Mission in Kosovo. I would also like to thank Mr. Nebojsa Ović for his statement.

The briefing by the Special Representative of the Secretary-General enables the Council to assess progress made towards stabilization and normalization of the situation in Kosovo as well as towards confidence-building and the reconstruction of property damaged or destroyed during the deplorable events of last March.

I would recall that the international community's prompt reaction to those tragic events and the combined efforts of the various parties involved made it possible to prevent setbacks that could have jeopardized the peace process in the region. The commitment of Kosovar leaders to speedily completing reconstruction of damaged property and social and educational infrastructure and to relaunching the process of the return of displaced persons, in addition to the progress made in the reform of local administration, are signs of the positive developments in Kosovo and mark the beginning of a process of détente that heralds an improvement in the situation in the interest of all. Such measures are conducive to consolidating the society of Kosovo and preventing deplorable clashes between ethnic groups from occurring again. They will also surely create conditions of security and will have a positive impact on the process of the sustainable return of displaced persons and on freedom of movement.

In that context, my delegation welcomes the calm and peaceful holding of the legislative elections of 23 October and the creation of the coalition government. Those two major events mark a turning point in the consolidation and stabilization of local provisional institutions. However, we regret that the Serb population did not participate in the electoral process. Once again, we reiterate our appeal to all parties to participate fully in the efforts to build confidence, strengthen ties and promote reconciliation among all Kosovars.

That progress is, of course, significant, but in no way should it obscure the local day-to-day situation, which remains difficult because of the lack of notable change or visible signs of the various parties' implementation of their commitments, especially in the eyes of the local population.

An economically viable, democratic, tolerant and multi-ethnic Kosovo remains our primary objective. That inevitably requires sustained efforts, the participation of all and the full implementation of resolution 1244 (1999).

The international community must also create all the conditions for the comprehensive, speedy and successful implementation of the standards in order to proceed as quickly as possible to the consideration and realization of the fundamental question of the final status of Kosovo.

In that context, I commend Ambassador Kai Eide for his outstanding work in assessing the situation in Kosovo and for his relevant recommendations. My delegation supports all shared, comprehensive and integrated strategies based on dialogue and the establishment of conditions necessary for security and the improvement of the economic and social conditions of the entire population of Kosovo. As well, we support the idea of a subregional approach to the final settlement of the question of Kosovo.

Mr. Motoc (Romania): I, too, would like to welcome the presence before the Council the Special Representative of the Secretary-General, Mr. Jessen-Petersen, and to wish him every success in his challenging task. I must say that we were impressed by the briefing he gave the Council. Once again, I would like to assure him of Romania's full support.

Let me also thank the Secretary-General, his Special Representative and the staff of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the comprehensive report (S/2004/907) and the equally ample technical assessment of standards implementation annexed to it. We wish to recognize the presence in the Council of Mr. Nebojsa Ović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija.

Romania fully associates itself with the statement that Ambassador Van den Berg of the Netherlands will be making soon on behalf of the European Union.

As we mentioned a few weeks ago in addressing the issue of Bosnia and Herzegovina, lasting stability is a long-sought goal in the western Balkans. We trust that it can be achieved through patience and willingness, keeping the broader picture in mind

against the background of European integration processes.

We would therefore warmly welcome a gradually increased role on the part of the European Union in Kosovo, starting with the setting up of an economic development strategy for Kosovo and ensuring a regional perspective for its economic development, as called for by the Secretary-General.

At the same time, Romania firmly believes that a European and Euro-Atlantic outreach to Serbia and Montenegro would be relevant to its further democratic development and would facilitate status discussions.

We congratulate the people of Kosovo and the Provisional Institutions on the professional, correct and calm manner in which the elections were held. At the same time, we regret the very low turnout of Kosovo Serb voters. Yet another opportunity for engaging in a meaningful social and political dialogue on problems related to Kosovo's future has thus been wasted. Nevertheless, the problems remain, and the future Government has a tremendous challenge ahead — that is, to ensure that all inhabitants of Kosovo, as well as those willing to return, have the same freedoms and rights and level of security.

We take note of the very uneven progress made in the implementation of standards. In our view, the implementation of the eight standards, with a view to helping to overcome the consequences of the March violence, reaching out to minorities and encouraging dialogue at all levels, remains key to initiating discussions on Kosovo's status. The new government — which needs to be stable and politically committed — will have to devote its undivided attention to achieving tangible progress on all standards during the course of the year ahead.

Romania wholeheartedly supports the elaboration of a comprehensive and integrated strategy to take us further towards a stable, multi-ethnic and prosperous society in Kosovo, in line with resolution 1244 (1999). The strategy, to be completed in its concept and then implemented by the Special Representative, should benefit from all the energy and support of the international community. In that context, we deeply appreciate the recommendations included in the report of Ambassador Kai Eide, which charts the main lines of such a comprehensive and integrated strategy.

We also commend the Secretary-General for the initiative to enhance the strategy through consultations with key Member States and regional organizations. We believe that, in preparing the platform for approaching the status issue, the solid and rational integration of all possible contributions is crucial. For its part, Romania will continue to stimulate such integration of efforts in various regional and subregional formats, notably in the South-East European Cooperation Process — an inclusive and regionally owned framework, which Romania currently chairs.

Recent developments in the region indicate the need to accelerate and deepen consultations at the regional level in order to identify formulas that reflect security concerns in South-East Europe.

The Romanian Minister for Foreign Affairs recently organized in Bucharest a debate on the Kosovo situation, in cooperation with the Project on Ethnic Relations. We deem it important that the debate was attended by all the main actors from Pristina and Belgrade and provided a good framework for direct contact between them. It is worth mentioning that on that occasion, representatives of Belgrade indicated their willingness to start a dialogue with Pristina "anytime, anywhere, on any issue".

At the same time, we have pursued consultations with the Foreign Ministers in the region in the framework of the South-East European Cooperation Process. As this kind of process of reflection at the regional level has proved to be very helpful in terms of the interaction between the main actors, we intend to continue such exercises.

Romania supports the current efforts of the Special Representative to develop, through dialogue with all parties concerned, comprehensive recommendations on the reform of local government and decentralization, as well as on transferring further competences to the Provisional Institutions and increasing their accountability and responsibilities. These are essential issues for Kosovo, and the Special Representative is right to make them top priorities for UNMIK and the Provisional Institutions.

Finally, we believe that, since 2005 appears to be very important for peace efforts regarding Kosovo, the time is ripe to send a mission of the Security Council to the region, perhaps early next year. In addition to enabling the Council to acquire firsthand information

on standards implementation, its action could do a great deal to support the comprehensive and integrated strategy mentioned earlier.

Sir Emyr Jones Parry (United Kingdom): It is rather nice to be able to say "Madam President". It is not often that one can say that in the Council.

I am grateful to the Special Representative, Mr. Jessen-Petersen, for his briefing, and I listened very carefully to the intervention of Mr. Ović. I think our special thanks are due to the Special Representative for so obviously getting a grip on the job in such a short time.

The United Kingdom associates itself fully with the statement which will soon be delivered by the Ambassador of the Netherlands on behalf of the European Union.

The United Kingdom shares the Secretary-General's assessment that progress has been made since the violence last March, but that much remains to be done before the comprehensive review in mid-2005. The elections last month, which were free and fair; the progress on post-March reconstruction; and the establishment of a framework for decentralization, local crime prevention councils and a United Nations Interim Administration Mission in Kosovo (UNMIK)-Provisional Institutions of Self-Government working group on the economy all are positive developments. The focus now must be on taking those achievements forward and making concrete progress on the ground.

The United Kingdom welcomes the Secretary-General's helpful recommendations paper on the way forward based on the excellent Eide report and on his consultations in New York in September. We look forward to discussing it further.

The United Kingdom continues to hold resolution 1244 (1999) as the basic framework for taking forward the political process in Kosovo. We recall the public statement that followed the meeting of the contact group political directors in New York during the ministerial week, and that informs the United Kingdom's position. So this process of open consultation today on the way forward is indeed very welcome.

I should like to make four points on Kosovo's priorities in the coming months.

The first point concerns the formation of a new government — a government which can commit to making immediate progress on implementing the key standards. We share the Special Representative's priorities. A government which is as representative as possible of all the people of Kosovo is clearly in Kosovo's best interests. Kosovo Albanian leaders have a responsibility to support the rule of law, including cooperation, as appropriate, with the International Criminal Tribunal, and a responsibility to speak out against inter-ethnic violence and incitement to racial hatred.

The international community will hold the Provisional Institutions of Self-Government to account for their actions in the coming months. Indicators of responsible government will have an impact on the mid-2005 review.

Secondly, immediate and visible progress on the ground is essential, especially with regard to minority rights and security, for which more effective local government is a vital contribution. Progress on decentralization is needed urgently, and the identification and launch of pilot projects present an early opportunity to move forward.

Thirdly, Kosovo's economy is in urgent need of an injection of momentum, and by that I mean the legitimate, non-black economy.

The United Kingdom welcomes the call of the Secretary-General and the Special Representative for the European Union quickly to devise and implement an economic development plan in cooperation with the Provisional Institutions of Self-Government. We therefore welcome the work of the Joint UNMIK-Provisional Institutions Economic Strategy and Project Identification Group on Kosovo's economic development.

Lastly, there must be dialogue with Belgrade. But Belgrade cannot expect to exercise oversight or veto. Belgrade's active discouragement of Kosovo Serb participation in Kosovo elections and in the decentralization process does not give the impression of a Government committed to improving the everyday lives of Kosovo Serbs. If Belgrade continues to block progress in certain areas, this will not be held against the Provisional Institutions. There will be a price to pay for obstructive behaviour, whether on the part of authorities in Belgrade or in Pristina; it will be a price

to pay in future participation in determining Kosovo's future.

I listened attentively to Mr. Ović and to the questions he posed. Do we want to solve the problem for good? Yes. Are Serbs in the Assembly as a token of multi-ethnicity? No. Do we favour an open-ended presence in the province? No.

I have some questions of my own for Mr. Ović, if I may. Will the future of Kosovo be improved by a partition which will ignore the interests of two thirds of those Kosovo Serbs scattered south of the Iba river. Would the future of the Serbs not be enhanced by a real effort to work through Kosovo institutions and with the international presence? Is not cooperation by Belgrade more likely to promote the sort of outcome we all want? And is not the way forward cooperation within Kosovo and with Belgrade, to reduce dependence on the international community?

The truth is that the solutions rest in the region. The rest of us can do what we can to facilitate positive outcomes, but it is those in the region who in the end have to make this work.

The Special Representative, looking to the future, said that the people of Kosovo understood that the implementation of priority standards is a necessary step before final status negotiations. I hope he is right that they know that. I am all the more encouraged that his positive approach will deliver those standards, which would put us then in a position to move forward on resolution 1244 (1999).

Mr. Denisov (Russian Federation) (*spoke in Russian*): We would like to express our gratitude to the Secretary-General for his report on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2004/907) and to the Head of the Mission, Mr. Søren Jessen-Petersen, for his substantive briefing on the situation in the region. We take note of the participation in today's meeting of the Security Council of the President of the Coordinating Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija, Mr. Nebojsa Ović.

It must be noted that progress in the implementation of the standards drawn up for Kosovo by the international community, in particular concerning the activity of the Provisional Institutions of Self-Government, continues to be distinctly limited. To cite only one fact, but an eloquent one, the process of returns has moved in reverse: in 2004, the number of displaced members of minorities exceeded the number of those who were able to return to their homes. For example, since the outbreak of violence in March of this year, 2,288 persons have still been unable to return to their homes.

We support the Secretary-General's conclusion that significant additional efforts are needed for the genuine restoration of a healthy situation in the region and for the establishment of a concrete and stable basis for peaceful coexistence among ethnic communities. Particular responsibility for genuine change in Kosovo — change which would be of real benefit to all communities regardless of ethnic affiliation — lies first and foremost with the Provisional Institutions of Self-Government. Moreover, we view as unconstructive attempts to shift the blame for breakdowns in the processes in the region to the Kosovo Serbs, or to Belgrade.

We underscore the need for assessments of the implementation of the Kosovo standards to be realistic and consistent with the actual state of affairs. Here, there is a need for great caution and a need to avoid unfounded embellishment of the results, since undue optimism could have a negative impact on the fragile process of a Kosovo settlement and on the prospects for the achievement of inter-ethnic reconciliation in the region.

We take note of the organized manner in which the October elections for the regional Assembly took place. We agree with the Secretary-General that at present the objective of the Provisional Institutions of Self-Government of Kosovo is to form a representative, stable and effective government that can bring Kosovo forward. It is important that it be headed by a constructive political statesman with an impeccable reputation, whose attitudes would not lead to even further alienation among the communities in the region, but would rather promote the achievement of inter-ethnic harmony among them. Here, considerations of political expediency are inadmissible.

The lack of participation by the Kosovo Serbs in the elections is above all an indicator of the utterly unsatisfactory state of affairs in the sphere of ensuring human rights and the security of ethnic minorities. It also reveals how far Kosovo is from resolving the issue of the establishment of a multi-ethnic, democratic society. Here, we support the views of Kofi Annan and

his Special Representative in favour of devoting particular attention to those problems which are most significant for the Kosovo Serb community: the return of the population, security and decentralization.

We agree with the high-priority objectives for the near future set out in the report and in the briefing of the Special Representative of the Secretary-General: progress on the standards; the establishment of dialogue on an equal footing, above all with Belgrade; the proactive involvement of the Kosovo Serbs in the political processes in the region; and the development of the economy of Kosovo.

Reform of local self-government must play an important role in normalizing the situation of Kosovo in order to ensure that, in deeds rather than in words, conditions are created for coexistence among all communities of the region in a single multi-ethnic democratic society.

There is a need to accelerate the design of a universally acceptable and effective model of decentralization for Kosovo. We believe it advisable that negotiations on this question continue in the format of the September meeting in Vienna: with the participation of representatives of UNMIK, the Provisional Institutions of Self-Government of Kosovo, the Kosovo Serbs, Belgrade and the Contact Group. This is all the more important in the context of the need to set up constructive interaction between the United Nations Mission and the regional Provisional Institutions of Self-Government on the one hand, and the Kosovo Serbs and Belgrade on the other.

We are awaiting the recommendations of the Secretary-General, pursuant to the instructions of the Security Council, regarding a balanced model for the transfer of competencies from the regional authorities to the local organs of power and to the communities in Kosovo. We believe that they will take into account the position of Belgrade as stated in the 12 November working paper of the government of Serbia.

We are firmly convinced that the situation in the region continues to require unswerving implementation of Security Council resolution 1244 (1999). We remain dedicated to full and consistent support of the policy of "standards before status" as a decisive strategy for achieving a settlement in Kosovo.

On the whole, Russia shares the strategy formulated by the Secretary-General for further progress on a Kosovo settlement. Of fundamental importance, we believe, is Kofi Annan's premise that the peace process in Kosovo must be built on the solid legal basis of resolution 1244 (1999), and strategically important steps in that sphere must be implemented with the Security Council playing a lead role.

We endorse the high-priority objectives for Kosovo, set out in the Secretary-General's letter of 17 November, which include surmounting the consequences of the violence that erupted in March, ensuring the security, rights and freedoms of minorities, and the return of refugees and temporarily displaced persons. We agree with his position that the process of reviewing the implementation of Kosovo standards remains an UNMIK prerogative.

We are also firmly convinced that there can be no programmed start to a future political process to define the future status of the region without the genuine implementation of democratic standards and a special Security Council decision to that end. We draw attention to the need for the Head of UNMIK to draft, within the framework of a strategy for Kosovo, an effective series of sanctions that are ethnically neutral focused on those individuals whose actions might be detrimental to a Kosovo settlement and provoke inter-ethnic strife.

It is clear that a great deal of the success of the Secretary-General's proposed strategy for Kosovo will hinge not only on the actions of the Kosovo politicians, but also on practical actions by the international presences there and the contribution of key external players. For its part, Russia is ready for very close interaction with the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Mr. Jessen-Petersen, in the interests of putting a speedy end to the tragedy in the Balkans and to moving the situation in the direction laid down in resolution 1244 (1999), which remains the sole legal basis of a Kosovo settlement.

It is our belief that only coordinated activity on the part of the international community can help to consolidate security and stability in the region.

Mr. Gaspar Martins (Angola): I should like to thank you, Madam, for convening this meeting on the situation in Kosovo. I should also like to thank Mr. Søren Jessen-Petersen for presenting the comprehensive report of the Secretary-General on the

United Nations Interim Administration Mission in Kosovo (UNMIK). My delegation also thanks Mr. Ović for his clarifying statement.

We would like to express our appreciation to the Secretary-General for requesting Ambassador Kai Eide to make a comprehensive review of the policies and practices of all actors in Kosovo. That was a wise and timely measure.

My delegation welcomes the progress that has been achieved so far on some of the eight Kosovo standards on the Implementation Plan and commends the sustained efforts of UNMIK towards the establishment of a democratic, multi-ethnic society in Kosovo where the rights of all communities are fully protected and respected. Obviously, the standards are aimed at promoting such values as respect for minorities, tolerance, democracy and the rule of law. The fulfilment of the priority tasks outlined by the Special Representative represents an important step forward in the implementation of the standards.

In that regard, we express our support for the implementation of the comprehensive and integrated strategy to advance the challenges set out: the strengthening of current efforts to deal with the causes and consequences of the March violence, improved dialogue at all levels, readjusting the standards policy, transferring further competencies to the Provisional Institutions and enhancing their capacity-building, reinitiating a more comprehensive dialogue with Belgrade — which is a very important task indeed — and implementing a stronger economic development policy with short- and long-term measures.

We note with appreciation that the task of identifying and prosecuting the perpetrators of the March riots is not being neglected and that many of them are in fact subject to prosecution. That is also a very important decision and task.

The transfer of additional competencies to the Kosovo Provisional Institutions of Self-Government, in accordance with resolution 1244 (1999), can enhance their capacity, since they are the most important factor in the implementation of the standards.

The lack of involvement of Kosovo Serbs in the political process is still a cause of concern for my delegation. Unfortunately, the participation of the minorities in the last parliamentary Assembly election was insignificant. They must accept the responsibility to engage constructively in the building of peace and they should be strongly encouraged to do so.

My delegation believes that the resumption of dialogue between Belgrade and Pristina is essential. We encourage UNMIK's efforts to that end, particularly the resumption of the working groups. To develop a network of activities aimed at easing communications and at facilitating freedom of movement for members of minority communities in Kosovo — in particular Kosovo Serbs — is very important. Nevertheless, the security environment is fundamental to that end to ensuring that the sustainable return of internally displaced persons can take place in safe conditions.

We welcome the economic development and reform efforts in Kosovo. As indicated in the report of the Secretary-General, some progress has been made in completing economic legislation, moving privatization forward and the overall implementation of the budget process. However, much remains to be done. In that regard, we are grateful for the commitment of the international community, particularly the European Union and the Contact Group, and call on them to spare no effort in working towards Kosovo's peace and development.

Finally, we fully support the implementation of resolution 1244 (1999) and the political position declared by UNMIK calling for the fulfilment of the standards of democracy and applying the rule of law towards the establishment of the final status of Kosovo.

Mr. Valle (Brazil): I wish to thank Special Representative Jessen-Petersen for his detailed briefing on the United Nations Interim Administration Mission in Kosovo (UNMIK). I take this opportunity to express our recognition of the quality of his work and that of UNMIK personnel.

I am also pleased to recognize the presence of Mr. Ović of Serbia and Montenegro.

After more than four years of international involvement in Kosovo, as we approach the moment of beginning status negotiations in that province, the lack of progress in standards implementation is an unfortunate reality that can not only jeopardize the progress made so far, but also delay the beginning of the process to determine final status. Although there have been tangible advances in some very specific areas, such as the reconstruction of homes and public

buildings looted in March, it is still regrettable to see that, regarding such key issues as the overall situation of minorities, very little has been achieved.

A firmer stance is required against unchecked abuses that continue to take place routinely against minority groups, virtually deprived of their freedom of movement and disrespected in their basic human rights and needs. Although the Provisional Institutions carry the primary responsibility for the implementation of standards and for alleviating the plight of minority groups, the international community must also take concrete action to improve the security conditions for those groups, and especially for the Kosovo Serbs. It is encouraging that the October elections were held in an environment of calm and order. Lack of participation by the Kosovo Serbs in the poll, however, thwarts efforts towards building a multi-ethnic society and is detrimental to the situation of the Serb minority. It is unfortunate that the constructive appeal of some Serbian leaders, including many authorities in Belgrade, in favour of participation in the elections was not heeded by the Kosovo Serb population.

The political parties in Kosovo have now reached agreement on the formation of a coalition Government for the province. The composition of such a government should not lead to an exacerbation of tensions in the region. Moderation is key to conducting Kosovo safely to the final status negotiations. The fact that there are plans to include members of minorities in the new ministries is encouraging, but the weak and declining presence of minorities within the Provisional Institutions remains a matter of deep concern.

Sustained social, economic and institutional development is a condition for final status. A revitalized economy, the creation of jobs and new opportunities, especially for the young, will help ease underlying social unrest.

We are pleased to note the continued progress in the task of bringing to justice those involved in the riots of last March. The fact that more than 300 cases have been completed or are under consideration bears witness to the good work being done by judges and prosecutors under the monitoring of UNMIK. Achieving a constructive and engaged dialogue between Pristina and Belgrade remains an imperative for the eventual success of international efforts in Kosovo. In that context, Pristina and, especially, Belgrade should be persuaded to resume negotiations.

While frustration and despair grow amidst all ethnic groups in the region, the temptation for unilateral, even violent, initiatives may be surreptitiously increasing. As the moment of truth for Kosovo approaches, all parties concerned must be conscious that no durable, stable, satisfactory solution will be found without respect for the rights and legitimate aspirations of all.

Mr. Baja (Philippines): We are grateful to Ambassador Jessen-Petersen for his briefing and extend a warm welcome to him. We are also grateful to Mr. Ović for his briefing.

Kosovo is one of the more intractable conflict issues facing the Council, despite the fact that so many international actors — NATO, the United Nations Interim Administration Mission in Kosovo (UNMIK), the European Union, the Organization for Security and Cooperation in Europe and the Global Compact are all active in support of a multi-ethnic and democratic Kosovo. That is an enigma to us, perhaps because the Security Council was absent when the conflict began and it essentially sat out the conflict. True, resolution 1244 (1999) was adopted, but it did not contain a strategy to resolve the conflict.

Five years into the Security Council's consideration of the question of Kosovo, we all know what needs to be done. As a matter of fact, paragraph 19 of the report of the Secretary-General (S/2004/907) states that,

> "there seems to be a general understanding of and support for an integrated strategy for the way forward in Kosovo from now until mid-2005 and in preparation for the process to determine the future status of Kosovo. There was broad agreement on the need to focus on the economy and on security, the need to engage with Belgrade and to bring the Kosovo Serbs into the process, and the importance of the standards process".

We all know that. The challenge now is how all of those concepts may be realized. We have heard some interesting and noble ideas from Ambassador Jessen-Petersen this morning and we have heard similar proposals from two previous Special Representatives of the Secretary-General. The question is, what factors make the Special Representative of the Secretary-General more optimistic now than were his predecessors? Similar arrangements were made before

the trouble in Kosovo in March, but that did not prevent the problems from happening.

The representative of the United Kingdom enumerated some small, but nevertheless significant signs of progress towards the resolution of the problem. But there are other big and even more significant issues, such as real dialogue between Belgrade and Pristina, the existence of parallel Serb structures, and the participation of all key factors in the democratic process. We welcome the efforts made after the March conflict, including the rebuilding of private property and religious and cultural sites that had been destroyed or damaged.

We express our satisfaction with the arrest and prosecution of a number of those who instigated attacks against the minority communities. We take note of the progress achieved in local government, as well as in economic development.

We also welcome the technical assessment presented in the report of the Secretary-General, but the challenge now before the Council is to find the best way forward for Kosovo. There have been some proposals presented, and the Council should be of one mind, if possible, to concentrate on the best approach. Certainly the Council cannot remain seized of the matter for 10, 15 or 20 years, as Mr. Ović said in his statement.

In the coming months we should be able to present the best option possible for Kosovo. Perhaps the proposal made by the representative of Romania concerning a mission to Kosovo could be given consideration. That means the Council would not be discussing the matter from a distance but would be obtaining information on the ground.

Before I close, I would like to find out from the Special Representative whether things are moving in the right direction concerning the implementation of standards. Would it be possible to start discussion on Kosovo's final status by the middle of next year, as planned? Also, what is his assessment of the impact that the anticipated appointment of the former Kosovo Liberation Army Commander Haradinaj as prime minister would have on the standards implementation progress and on the discussions concerning the final status of Kosovo?

Mr. Duclos (France) (*spoke in French*): I would like at the outset to express my gratitude for the very comprehensive statement by the Special Representative of the Secretary-General. I would also like to thank the representative of Serbia and Montenegro.

I would like to associate myself with the statement to be made later by the representative of the Netherlands on behalf of the presidency of the European Union. I will confine myself to making a few brief comments.

First of all, France fully supports the work carried out since the summer by the Special Representative of the Secretary-General. His dynamism, his presence on the ground and his leadership qualities have created a fresh and very constructive climate for the efforts of the international community in Kosovo. We would therefore like to thank and encourage him. We would also like to express our gratitude to the Commander of KFOR, General de Kermabon, who is working in close cooperation with Mr. Jessen-Petersen in carrying out the stabilization activities of the international military presence in Kosovo.

Secondly, we have given careful consideration to the report of the Secretary-General on the implementation of the standards in Kosovo, published last week. We support the comments made in that document. In particular, we share the Secretary-General's frustration with regard to the implementation of the standards and the meagre progress achieved in recent months. We appeal to the Provisional Institutions of Self-Government of Kosovo to act without delay in order to make concrete progress on the standards. Each of the eight standards is important, but we support the approach of the Special Representative in identifying priority actions for each standard in support of the protection of minorities, decentralization, the return of refugees, the fight against crime and the establishment of the rule of law. We expect concrete results on those urgent questions from the Provisional Institutions.

Thirdly, I would like to reaffirm that the implementation of the standards remains, in our view, a question on which we will make no concessions can be made. This implementation is first and foremost the responsibility of the Kosovars themselves, above all of the Provisional Institutions of Self-Government — the Government, the Assembly and the President.

No progress can be made in Kosovo without the effective implementation of the standards. We hope that that message will be heard by the Kosovo leaders.

It is up to them to get back to work as soon as possible following the interruption due to the election campaign.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): We, too, would like to thank the Special Representative of the Secretary-General, Mr. Jessen-Petersen, for his interesting and comprehensive introduction to the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK). We would like to commend him for the work that he is doing as head of that Mission. I would also like to welcome the presence today of Mr. Ćović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija.

Spain also fully supports the statement to be made later by the representative of the Netherlands on behalf of the European Union.

We share the assessment of the Secretary-General regarding the level of implementation of the standards for Kosovo, as well as of the need to make a concerted effort to make more resolute progress in their implementation. It is clear that UNMIK's fundamental task must be to make progress in the eight areas, with priority actions being taken with regard to each of them.

We welcome the fact that the general election of 23 October in Kosovo was peaceful, although we regret that the Kosovo Serbs did not participate. Now that the new Kosovo Government is about to be constituted, we consider it vital that the focus be on the implementation of the standards, on which a great deal remains to be done. We are particularly concerned about the limited progress in key areas, such as the return of displaced persons and refugees and efforts at reconciliation, as well as in the area of security and freedom of movement for the members of minority groups.

It is alarming that — in particular as a result of the violent events of last March — the number of forced displacements in 2004 is higher than the number of those able to return to their homes, in spite of the effort to rebuild homes and schools following those incidents. There is therefore a need for a more ambitious policy to encourage return, which would clearly include offering an attractive and credible future to the Serbs and other members of minorities in a multi-ethnic Kosovo.

With regard to security, we hope that the local crime prevention councils will contribute to meeting the legitimate concerns of the members of the various minorities. Likewise, KFOR, to which Spain is an active contributor, will continue to play an essential role in the maintenance of security. But security can be sustainable in the long term only if the Provisional Institutions develop a broad programme that reaches out to the Serbs of Kosovo and the members of other minorities — one that is reflected in concrete advances, including measures for the employment of members of the minorities in the public administration at various levels. At the same time, it would be appropriate to consider the transfer of certain competencies to the Provisional Institutions of Self-Government — something that the Special Representative of the Secretary-General might see fit to do when the time is right.

As the Secretary-General has indicated, this process should be accompanied by related responsibility and accountability on the part of the Provisional Institutions, and closer monitoring, including, if necessary, the imposition of sanctions by the Special Representative of the Secretary-General. In the event of such a development, the transfer of competencies related to security should be carried out with the greatest care, and the Special Representative should retain supreme control over all the police forces of Kosovo.

Furthermore, we consider it essential that the direct dialogue between Pristina and Belgrade be resumed and strengthened, against the backdrop of the assessment of the implementation of standards to be carried out by the Council in mid-2005, which could, in turn, lead to a process of determining the statutory future of Kosovo. It is of paramount importance that the two capitals remain in constant contact.

Finally, I would like to refer to the importance of the economic and social aspects, with regard to which the European Union is playing a very important role. Economic development, which must be based on an appropriate legal framework, is fundamental if progress is to be sustained in the other areas and stability and confidence generated among the various components of the Kosovo population.

Spain supports the establishment of an integrated strategy to move forward in implementing the standards for Kosovo, with a view to the assessment

that will be conducted in mid-2005. The objective in this regard remains that of a multi-ethnic, democratic Kosovo based on the rule of law and steadily integrated in European structures.

Mr. Zhang Yishan (China) (*spoke in Chinese*): First of all, I would like to thank the Secretary-General for his report (S/2004/907) and Mr. Jessen-Petersen for his additional information. I have listened attentively to the important statement of Mr. Ćović. I wish to take this opportunity to express appreciation to Mr. Jessen-Petersen for his active efforts since his appointment. I am confident that, in the future, he will continue to carry out with distinction the mandate entrusted to him by the relevant Security Council resolutions.

Kosovo has entered a crucial phase. How the situation evolves there will affect the future direction Kosovo takes and stability in the Balkans. We have always believed that a comprehensive and satisfactory resolution of the Kosovo issue must be predicated on the full implementation of Security Council resolution 1244 (1999). We welcome the positive steps already taken by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government to deal with the aftermath of the March violence and to implement the standards.

We note, however, the lack of progress in some key areas, including returns, the protection of minorities and freedom of movement. We hope the Kosovo leadership will, in active cooperation with UNMIK, make further efforts in the areas mentioned above in order to effectively enhance trust and reconciliation among the communities, which will in turn lay down a solid foundation for their harmonious coexistence. We also hope that direct dialogue between the Provisional Institutions of Self-Government and Belgrade will soon resume. This is of great importance for a positive evolution of the situation in Kosovo.

We note the Secretary-General's proposed comprehensive and integrated strategy for the way forward. We agree with the importance given to the implementation of the standards and the need to focus on the economy and security in the interest of bringing real improvements of all communities in Kosovo. We look forward to concrete recommendations by the Secretary-General in this regard.

Mr. Muñoz (Chile) (*spoke in Spanish*): I would like, first of all, to express thanks for the introduction to the report on the implementation of the mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) and for the efforts of the Special Representative of the Secretary-General, Mr. Søren Jessen-Petersen. I also want to express thanks for the statement made by Mr. Ćović on behalf of the Council of Ministers of Serbia and Montenegro.

From the report, we see that, although there is progress, it has been uneven and limited, and that the standards have not yet been implemented. This is why we believe it would be appropriate to develop an integrated strategy for the period from now until mid-2005 and have an overall assessment of progress and implementation of the standards in mid-2005.

We agree with the emphasis being placed on the economy and on security, which are the basic pillars for the stability and development of the entire society. However, this does not mean that attention should be diverted from other fundamental areas, such as, for example, the dialogue with Belgrade, the participation of the Kosovo Serbs and the fulfilment of the eight standards.

The elections of 23 October for the Kosovo Assembly, which were held peacefully, freely and in a correct manner, constitute an important advance in strengthening Kosovo's provisional institutions and in the process of stabilization and normalization. Nonetheless, we do express our concern at the non-participation of the Kosovo Serbs.

Likewise, we take note with interest of annex I of the report before us (S/2004/907), which elaborates on the shortcomings, achievements and remaining challenges in the implementation of the standards. In the light of the balance sheet contained in that annex, efforts should continue in fundamental areas, such as return and reconciliation, security conditions and freedom of movement for the minorities of Kosovo, in particular the Kosovar Serbs. It is essential that measures continue to be adopted to preserve — and ensure respect for — the rule of law, by bringing to justice those who perpetrate acts of violence, by requisitioning illicit weapons and by suppressing organized crime. For our part, we believe that progress should continue in economic legislation, privatization, tax collection and the establishment of a general budgetary process.

We believe that UNMIK's broad review of its functions under resolution 1244 (1999) is appropriate,

as is the eventual transfer of competencies that do not affect sovereignty to the Provisional Institutions of Self-Government. We also believe it is fundamental that this transfer entail an increase in the Provisional Institutions' responsibility and accountability, and that this be subject to monitoring and supervision by the Special Representative of the Secretary-General.

The images of violence in March that have been referred to here in this Council must not be forgotten. The dialogue seems to us the key to avoiding another such situation, and for this reason, we are very interested in efforts at reaching out between Kosovar Albanians and Serbs. It seems to us unacceptable that the Provisional Institutions of Self-Government and party leaders have not investigated the responsibilities or omissions by public authorities regarding the violent acts of March, nor have they condemned the information broadcast by the media that incited this ethnic violence.

We agree that the basic challenge to the Provisional Institutions of Self-Government of Kosovo and to Kosovo's political leaders remains that of making sure that progress in implementing the standards leads to sustained and tangible benefits in Kosovo for all of the population. This is why constructive dialogue between Belgrade and Pristina and between UNMIK and the Kosovo Assembly are vital elements for the success of this undertaking. We trust that, with the implementation of the integrated strategy, all those involved — UNMIK, the Provisional Institutions of Self-Government, the local political leaders and other groups — will all be in a position to undertake more effective action for the attainment of a Kosovo that is truly multi-ethnic, stable and democratic, with the ability to include all the inhabitants of Kosovo without any exclusion.

Mr. Pleuger (Germany): My delegation would like to align itself with the statement by the Permanent Representative of the Netherlands on behalf of the European Union to be delivered later today. We would also like to thank the Special Representative for his briefing, and we listened with interest to the statement of Mr. Ćović.

Both the report of the Secretary-General and Mr. Jessen-Petersen's briefing this morning provide us with a thorough analysis of the standards implementation process. Let me highlight a few aspects that Germany considers to be of particular importance.

We welcome the fact that the organization and holding of the general elections in Kosovo were carried out in a professional manner. The elections were free and fair. That is a positive and encouraging development regarding Kosovo's democratization process. However, the fact that Kosovo Serbs participated in only negligible numbers is regrettable. We feel that the appeal by Belgrade authorities to the Kosovo Serbs to refrain from voting was irresponsible. We strongly urge the Kosovo Serbs to take their seats in the Assembly and to participate in the working groups in Pristina. That is the best place and the best way for the Kosovo Serbs to address their legitimate concerns.

With regard to the standards implementation process, we agree with the Secretary-General's analysis that more needs to be done in order to achieve a positive review in 2005. We need more progress, particularly in the areas of security, sustainable returns and freedom of movement. The events of last March were a major setback in that regard.

On the other hand, we share the opinion expressed in the report that Kosovo is getting back on track in fulfilling the standards. The Provisional Institutions have increased their efforts in the implementation process. That is good news. It will now be the task and the responsibility of the new Kosovo Government to follow up on that positive trend. Only by taking on that task can we create the basis for a positive outcome of the mid-2005 comprehensive review. Recalling the presidential statement of 12 December 2003 (S/PRST/2003/26), we reaffirm our commitment to this review process on the basis of assessments provided by, among others, the Special Representative and the Contact Group.

Germany attaches great importance to the reform of local Government and to the decentralization process. We would like to see the speedy launching of the first pilot projects on the basis of the framework document. They should take into account issues such as the protection of minority community rights and security. We hope that Belgrade will assume a constructive role in the local government reform process and that it will accept the Special Representative's offer to send advisers to the relevant working group in Pristina.

Let me conclude by thanking the United Nations Interim Administration Mission in Kosovo (UNMIK)

for all its efforts to implement Security Council resolution 1244 (1999) and by commending Mr. Jessen-Petersen for his impressive commitment and for the new dynamic that he has brought to UNMIK's activities. Germany fully shares the priorities he has set, and we will continue to provide our full support to assist in their implementation.

Mr. Khalid (Pakistan): I wish to welcome Mr. Jessen-Petersen to the Security Council and to thank him for introducing the report of the Secretary-General and for updating the Council on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK). Pakistan will continue to offer its fullest support to Mr. Jessen-Petersen in his efforts to establish a multi-ethnic, tolerant, democratic and peaceful society in Kosovo. We would also like to acknowledge the presence of Mr. Ović in the Security Council today.

According to paragraph 3 of the Secretary-General's report, Kosovo is "getting back on track in regard to fulfilling the standards". The report describes tangible and encouraging progress in some areas towards meeting the standards since the March riots, even though that progress has been uneven and limited. One of the most positive developments in the process of stabilization and normalization in Kosovo has been the elections for the Kosovo Assembly, held in October. We welcome the positive outcome of those elections, but regret the fact that the Kosovo Serbs did not participate in them.

We support all efforts aimed at reaching out to the Kosovo Serbs, involving them in the Kosovo Assembly and working with them to create the conditions for normal life in Kosovo. In that regard, it is imperative that the parallel structures should be dismantled. At the same time, it is equally important to address key concerns of the Kosovo Serbs and of other minorities. Key among them are their security and freedom of movement and the sustainable return of refugees and internally displaced persons.

Also key to success in Kosovo is economic development. We fully subscribe to the view, as contained in the Secretary-General's report, that such development is necessary, not only to improve general social and economic conditions, but specifically to improve security and stability. While UNMIK's quick-impact projects are certainly helpful, the real solution lies in mid- and long-term economic assistance and investment. We continue to encourage international donors — especially European support — in those areas.

Also of great importance is the need to resume and regularize the dialogue between Belgrade and Pristina, not only to facilitate the implementation of the standards, but also to promote confidence-building between the two sides. A sustained and meaningful dialogue of that nature is, we believe, key to the prospects of peace in the region.

In our view, the progress made on the standards issue, although commendable, is still fragile. It will remain fragile unless and until a more pressing issue — Kosovo's status — is also addressed. While we agree with paragraph 17 of the Secretary-General's report that "progress against standards translates into tangible and sustained change in Kosovo that concretely benefits all of its population", we believe that real progress in Kosovo will remain elusive unless its final status is also resolved. Therefore, we will continue to urge the adoption of a status-with-standards approach. Such an approach would simultaneously aim at the implementation of standards in Kosovo and seek to clarify Kosovo's status issue, including by finding ways in which to promote self-determination for all Kosovars while seeking to uphold the rights and interests of its minorities. That, in our view, is the best course, essential to create hope for peace and stability and to end the legacy of war in the region.

Mr. Zinsou (Benin) (*spoke in French*): We would like to thank the Special Representative of the Secretary-General for his very instructive briefing on the situation in Kosovo. We also commend the representative of the Government of Serbia and Montenegro for his outstanding contribution to our debate.

We greatly appreciated the report of the Secretary-General on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK), particularly its annex I, on the technical assessment of the implementation of each of the eight standards established by the provisional administration. It has enabled us to take stock of what remains to be done in order to achieve the objectives set by the policy of "standards before status".

Our comments concern primarily the holding of the legislative elections, the situation of minorities and the promotion of economic development in the

province. In our view, the success of the first legislative elections in Kosovo, organized by the Provisional Institutions, are an important indicator of positive developments in the situation in Kosovo after the tragic events of March 2004. We attribute this to the efforts of those who worked as fast as they could to stabilize and normalize the situation in the province and to create the conditions for the proper conduct of the elections. The key role played by local institutions, such as the Central Election Commission, is of particular note. We also welcome the actions of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), which coordinated their actions to ensure the security and order which are necessary for the holding of any transparent and reliable election. Here, we note with great satisfaction that the electoral campaign and the balloting took place without irregularities and without significant incident.

The lower level of voter turnout compared with previous votes was regrettable. It is clear that the situation would have been quite different if the events of March 2004 had not taken place, if a considerable number of potential voters had not been forced to leave the province, and if the Serb authorities had cooperated in carrying out the postal registration programme for refugees and in a timely manner, had encouraged the active and unconditional participation of the Kosovo Serbs.

The report (S/2004/907) of the Secretary-General cites, among the conditions laid down by the Serb authorities, the establishment of internationally recognized local Serb authorities in the areas populated by Kosovo Serbs. Those demands seemed to us to run counter to the vision of a multi-ethnic Kosovo, which should be administered by local structures which are neutral from an ethnic point of view. In our view, that is the direction in which the planned reform of the local Kosovo administration should go. Ethnic exclusivity is a synonym for exclusion, and exclusion is a source of frustration and conflict. We also have concerns regarding the fact that Kosovo's Provisional Institutions for their part have not energetically encouraged increased minority representation. Progress in Kosovo towards achieving political normalization must also be measured in terms of the integration of minorities.

We welcome the considerable efforts made to repair the physical and psychological damage caused by the events of March 2004. The rebuilding of houses and schools has been most encouraging. However, acts of vandalism against such rebuilt but not yet reclaimed houses are particularly harmful and undermine confidence-building measures designed to promote the return of displaced persons. Such acts must therefore be condemned with the utmost vigour. It is regrettable that the authorities of Kosovo's Provisional Institutions have not expressly condemned those acts. The return of displaced persons must be considered as a decisive element in assessing the process of normalization. We urge UNMIK and KFOR to increase their activities aimed at ensuring the freedom of movement of minorities wherever it is threatened. Security must be provided in such a way as to inspire confidence in all communities.

The battle against impunity for acts of harassment against minorities must be strengthened and must be a priority for UNMIK and for the new Ministry for community matters, human rights and returns. We welcome the decision taken by the political leaders of Kosovo to create that new Ministry, and we consider it a timely one. The ministry can and must become involved in advancing dialogue between the communities, with Belgrade and with the region. That is the best way to ensure cohesion among the various ethnic groups in Kosovo. The Ministry must do everything possible to provide all of those groups with conditions conducive to their full development. Here, we encourage the search for the broadest possible consensus on implementing the planned comprehensive and integrated strategy — a strategy which takes into account the subregional approach in creating a process for determining the future of the province of Kosovo.

In conclusion, we fully share the view of the Secretary-General regarding the importance of accelerating the economic development of the province. That must form an essential theme of the long-term strategy, and the reforms needed to ensure it must be tirelessly carried out. We welcome the dynamic process of privatization and the possible establishment of an investment promotion agency, as well as the rationalization of tax policies. Those measures are necessary for strengthening the foundation of the market economy in the province, as well as for protecting property rights, which can greatly contribute towards stabilizing Kosovo.

The President: I will now make a statement in my capacity as representative of the United States.

I would like to begin by thanking the Special Representative of the Secretary-General for his informative and comprehensive briefing. We thank him for his hard work and able leadership in Kosovo, and we look forward to continuing to work closely with him. We also welcome the insights provided to the United Nations by Ambassador Kai Eide of Norway.

The United States remains committed to a secure, stable, democratic and multi-ethnic Kosovo. In that vein, we congratulate the people of Kosovo on conducting an open, democratic election in October. We encourage all people in Kosovo to take an active part in the political process, including those who chose not to vote. Participation represents the best way for all in Kosovo to advance their interests.

The primary responsibility of the next provisional government in Kosovo is to accelerate implementation of the standards, ahead of the mid-2005 review. But the United Nations Interim Administration Mission in Kosovo (UNMIK) has an essential role to play in that process. UNMIK, under the able leadership of the Special Representative of the Secretary-General, has prioritized the implementation of the standards to focus on ensuring the security and protection of all ethnic groups. We fully support the Special Representative's efforts.

Decentralization is an essential element in protecting the rights of ethnic groups. As recommended in the Eide report, UNMIK has begun the important process of developing ways to devolve more authorities to the community level. That process will empower local communities and promote the further reform of local government. Decentralization provides a critical mechanism to protect minority rights, thus making it a priority element in the political development of Kosovo. We recognize the interest of Belgrade in that process and welcome its thoughts, which can enrich the Pristina-led process. We are committed to decentralization and stand ready to assist the Special Representative of the Secretary-General in that area should he so request.

Let me close by reaffirming my Government's commitment to the Contact Group statement of September, which said that Kosovo's future, like that of the entire region, is as part of Europe. The basis of any settlement must include the promotion of security and stability in the Balkans. As the Standards for Kosovo document states, the future for Kosovo must be one in which all people, regardless of ethnic background, race or religion, are free to live, work and travel without fear, hostility or danger, and where there is tolerance, justice and peace for everyone.

Our attitude towards the future of Kosovo will depend heavily on the extent to which that statement matches the reality on the ground in Kosovo, particularly in regard to Kosovo Serb and non-Albanian communities. The emergence of such a Kosovo will contribute to moving the western Balkans region towards European integration. Those indicators mean that Kosovo would not return to the situation prevailing there before March 1999.

I now resume my functions as President of the Council.

The next speaker inscribed on my list is the representative of the Netherlands, whom I invite to take a seat at the Council table and to make his statement.

Mr. Van den Berg (Netherlands): I have the honour to speak on behalf of the European Union and the candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, and The former Yugoslav Republic of Macedonia, and the European Free Trade Association countries Iceland and Norway; members of the European Economic Area align themselves with this statement.

Let me begin with thanking the Special Representative, Mr. Jessen-Petersen for his briefing, and commend him with his swift start in this challenging situation.

Two weeks ago, the Security Council discussed the situation in Bosnia and Herzegovina. The High Representative, Lord Ashdown, stated that Bosnia is moving from a "Dayton era" to a "Brussels era". The European perspective of peace and progress provides countries in the region a real and important incentive to replace conflict and confrontation with reconciliation and reforms. It is in the interest of the European Union to assist the region to further integrate in Euro-Atlantic structures. Against that background, the European Union is engaged with the region through the comprehensive Stabilisation and Association Process. Against that same background, the European Union will in three days' time take over the main peace

stabilization role from the North Atlantic Treaty Organization in Bosnia.

And finally, against that background, the European Union is deeply committed to be part of the discussion on the future of Kosovo. Let me today briefly touch upon two issues: the current situation in Kosovo and reform steps as presented in the Eide report.

On the situation in Kosovo: the positive trend to address the consequences of the March violence continues. As the report of the Secretary-General states, "tangible and encouraging progress" has been made. Houses and schools are being rebuilt. Those directly responsible are being brought to justice. The European Union commends the Kosovan leadership for their efforts. It will, however, take longer to also rebuild the confidence and trust of the victims. Structural outreach to the victimized communities is now the important next step. This should include a thorough investigation of those who created an environment that enabled the violence, like some media outlets. They may not be criminally liable, but they are morally responsible, and should therefore be held no less accountable. As the report describes, after the derailment of March, Kosovo is getting back on track to fulfil the implementation of the standards. The immediate priority for the Kosovars is now to put the new Government to work. Despite the disappointing non-participation by the Kosovo Serbs in the elections, the Government should be representative for the whole population. And it will have to work effectively on the priority standards.

The European Union reiterates that a multi-ethnic, democratic Kosovo is only achievable if the implementation of the standards is guaranteed. This requires constructive actions from the new Government and the minorities themselves, and renewed energy by both Priština and Belgrade to engage in a dialogue, supported by the international community. Belgrade must also play a constructive and committed role in enabling Kosovo to implement the standards. In this regard, the next report of the Secretary-General will be of great importance. It will reflect the first results of the new Government. And, the Special Representative of the Secretary-General will more than before focus on those standards that are essential to a multi-ethnic Kosovo. Progress is still lacking in the areas of minority return, security for minorities and freedom of movement, and reform of local government. Especially with the winter months coming up, reconstruction efforts should be doubled.

Turning to the reforms after the Eide report, we see that in recent weeks and months the Secretary-General has held a series of consultations on the Eide report with key Member States, the Contact Group, and regional organizations such as the European Union. We commend the Secretary-General for this inclusive approach and share his conclusion that there is a broad consensus on a number of important measures. The measures consist notably of defining priority actions within the Kosovo standards, the transfer of additional competencies to the Provisional Institutions of Self-Government, a greater accountability by the Provisional Institutions, and a more robust oversight by the Special Representative of the Secretary-General.

With regard to the transfer of competencies to the Provisional Institutions, the United Nations Interim Administration Mission in Kosovo (UNMIK) has identified a number of responsibilities that do not impinge on sovereignty. The European Union welcomes the swift transfer of those responsibilities. This will provide the leadership in Kosovo with a further opportunity to show the political will to govern effectively and in accordance with basic principles of democracy, rule of law and respect for minorities. Reforming local government will be crucial in this regard, and the European Union looks forward to early implementation of pilot decentralization projects. As is pointed out in the report, additional capacities within the Provisional Institutions are necessary. In order to improve coherence of international assistance, we welcome the fact that a clear needs assessment from the side of the Provisional Institutions and UNMIK is under preparation. This will also enable more targeted support by the European Union, its member States and its institutions.

A crucial element for the future of Kosovo is economic development. The Eide report clearly analysed the detrimental effect of the bleak economic situation in Kosovo. The European Union looks forward to responding positively to calls upon the European Union to develop and implement an economic plan in accordance with its mandate under Pillar IV of UNMIK and the Constitutional Framework. Recognizing the value of a regional, European-oriented economic strategy, the European Union notes the importance of the Kosovo Government taking on greater responsibility for the economy, and

stands ready to help build the capacity of the Kosovo Government to design and drive forward such a process. The European Union welcomes the work of the joint UNMIK and Provisional Institutions Economic Strategy and Project Identification Group (ESPIG) and looks forward to close cooperation with the Provisional Institutions and UNMIK in planning for development and identifying precise needs.

Last but not least, the European Union fully supports the further development and evolvement of a comprehensive and integrated strategy for Kosovo. The strategy should offer the leadership and population of Kosovo a chance to show its intentions to establish a democratic, multi-ethnic Kosovo. Consequently, that will ultimately provide the basis to embark on the process determining the future status of Kosovo.

The President: I thank Ambassador Van den Berg for his statement. I invite him to resume the seat reserved for him at the side of the Council Chamber. The next speaker inscribed on my list is the representative of Switzerland whom I invite to take a seat at the Council table. I give the floor to Ambassador Maurer of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): The international community has been strongly committed to Kosovo for more than five years now. The deplorable events of last March have forced us to review the strategy we had pursued until then in order to find a lasting political settlement. The Secretary-General made proposals to this effect. Switzerland welcomes the Secretary-General's report of 17 November 2004 on the United Nations Interim Administration Mission in Kosovo, and welcomes the work of the Special Representative Mr. Søren Jessen-Petersen, as well as that of Mr. Eide. We also share the analysis of the political situation the report presents, which shows that lessons have been learned from the March events, but that there is still much progress to be made. The measures necessary to achieve this progress require sustained commitment from all parties involved.

My country supports the idea of a comprehensive and integrated strategy for Kosovo, because, for the moment, there seems to be no other way to unite local players and the international community for the purpose of defining the future status of Kosovo. As well, Switzerland supports the approach of addressing the question of Kosovo within the overall context of the region and in the framework of a dialogue involving all the communities concerned, in particular the Kosovo Serbs, especially because the region's political calendar will be very full in 2005. There will be important elections and equally important constitutional discussions.

As underlined by the report of the Secretary-General (S/2004/907), ensuring the economic future of Kosovo is an indispensable precondition for ensuring stability in the region. Improving the economic situation requires not only creating conditions favourable to economic development but also strengthening political and civil-society institutions.

A lasting political settlement of the question of Kosovo remains a key element for stability in South-East Europe. Switzerland is particularly concerned by the fact that a significant number of Kosovo Albanians and others from the former Yugoslavia in general have settled in our country. That is why my country remains strongly engaged in Kosovo. Switzerland is especially engaged in the areas of consolidating local democracy and decentralization and strengthening mechanisms to ensure the protection of minorities. Thanks to the experience gained in the region over the past decade, Switzerland remains prepared to enhance its already active role in promoting dialogue between Pristina and Belgrade, as well as among the various communities.

The future of Kosovo is first and foremost in the hands of the Kosovars themselves and depends on their willingness to live in peace and to respect and protect minorities. The events of March must never recur. At the same time, the future of Kosovo depends also on the international community's preparedness to contribute to finding a solution to the question of the province's status that is viable and acceptable to all parties. Switzerland calls on States to establish a good process.

To be sure, UNMIK's work is still far from finished, as is the work of Kosovo Force, which has the crucial role of ensuring security for the population. Switzerland reaffirms its full support for those missions.

The President: The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kitaoka (Japan): I would like to thank you, Madam President, for convening today's public

meeting. I would also like to express Japan's sincere appreciation for the efforts of all parties concerned, especially those of Mr. Søren Jessen-Petersen and his staff.

Japan is pleased that the election for the Kosovo parliament was held democratically and without major incident on 23 October. However, from the perspective of ethnic reconciliation in Kosovo, it is regrettable that most of the Serb electorate did not participate in the election. We hope that, based on the results of the election, new Provisional Institutions of Self-Government will be established and start fulfilling their mandated tasks as soon as possible. We also call on Kosovo Serbs and on the Government of Serbia to join in a constructive manner the discussion on the creation of a multi-ethnic and democratic Kosovo.

We believe that the recommendation the Secretary-General submitted to the Security Council based on the report of Ambassador Eide deserves our utmost attention. My Government recognizes that the most important goal of the international community is the creation of a multi-ethnic and democratic society in Kosovo and that it should be realized through implementation of the "standards before status" policy. On the other hand, the violence that occurred in March indicates that the current situation is unsatisfactory not only for Serbs but also for Albanians in Kosovo. In order to improve that situation, it is essential that multiple strategies, including the recalibration of the standards policy and the rehabilitation of the economy, be implemented effectively. From that viewpoint, we would like to express our support for the recommendation of the Secretary-General.

The comprehensive and integrated strategy incorporates a number of different elements, but we wish to state our view today with regard to the matter of the recalibration of the standards policy. We believe that all international institutions must pay attention to outside opinions concerning their policies and strategies, but the Security Council has a special obligation in that regard. Ambassador Eide stated in his report that the current "standards before status" policy lacks credibility, and we must face that criticism head on. The Secretary-General's call for recalibration of the standards policy is therefore of great significance. Needless to say, the recalibration must be implemented in such a way as to give the right momentum and direction to the political process in Kosovo. We wish to reiterate, however, that, as the recommendation of the Secretary-General made clear, implementation of the standards is, above all, for the benefit of Kosovo and its people. That is why we are compelled to express our concern in response to the Secretary-General's observation that the progress made so far in implementing the standards has been limited.

Japan has repeatedly stated its view that, in order to create a multi-ethnic and democratic Kosovo and realize the consolidation of peace, it is essential to tackle the problems of economic difficulties, security and sustainable returns. We therefore highly appreciate the emphasis that the comprehensive and integrated strategy has placed on formulating a more robust economic development policy involving both short-term and long-term measures, strengthening efforts to deal with the causes and consequences of the March violence, sustainable returns and cooperation on improvement of the security situation and freedom of movement.

Japan regards two criteria as key to the success of the comprehensive and integrated strategy. First, the people in Kosovo should take ownership. And secondly, the relevant international institutions, such as the United Nations Interim Administration Mission in Kosovo (UNMIK), must function efficiently. We hope that the staff of UNMIK, led by Mr. Søren Jessen-Petersen, as well as the staffs of other agencies, will keep those two points in mind as they proceed with their activities.

In April, Japan co-hosted the Ministerial Conference on Peace Consolidation and Economic Development of the Western Balkans, based on our firm belief that stabilizing the region, including Kosovo, is crucial for the stability of the entire region. We wish to reaffirm our commitment to the region, including our intention to provide assistance, in cooperation with the entire international community, in advancing the Kosovo Standards Implementation Plan.

The President: The next speaker on my list is the representative of Albania. I invite him to take a seat at the Council table and to make his statement.

Mr. Nesho (Albania): At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council and on the excellent work that your delegation has done this month.

Our delegation commends the report of the Secretary-General and believes that the

recommendations of the Secretariat and of the Security Council will find the necessary support and will guide future activities in Kosovo.

We commend the Secretary-General for his foresight as concerns the proposed measures relating to priority of action in the framework of the standards policy for Kosovo and for his inclusive approach to the evaluation of Ambassador Eide's report.

Albania welcomes the impressive start made by Mr. Søren Jessen-Petersen in the position of Special Representative of the Secretary-General and takes this opportunity to thank him for the effective and high-quality work he has accomplished since the very beginning and for the great effort he has made to move forward the implementation of resolution 1244 (1999).

The elections held in Kosovo this past October have rightly been assessed as an important moment with a positive impact on developments in the near future. The parliamentary elections of 23 October were free and fair and held in accordance with the criteria of a democratic system. That election demonstrated once again the political willingness and proper engagement of the Kosovar Albanians in the process of achieving a democratic and stable Kosovo.

After the disheartening events of March 2004 in Kosovo, this was the first time that the local authorities were directly engaged and had the responsibility of organizing the elections, whose outcome revealed once again the leadership capabilities of local government in Kosovo. That significant accomplishment is an important step towards building a free, multi-ethnic and democratic society in Kosovo.

We regret the fact that the Serbian community did not participate in the elections, as we had wished and expected, due to the negative influence of some nationalist and religious circles still influential in Belgrade. Nevertheless, the existing legislation in Kosovo does guarantee a number of seats for minority representatives, leaving the door open for the Kosovo Serb representatives and enabling them to directly exercise their right to protect their own community interests, as the representatives of other minority groups are already doing.

The new institutions formed after the elections will face challenges in the next four years, and we believe that their priority attention will be effectively focused on the realization of the required standards for Kosovo. We commend the establishment of a dialogue among the different communities in the pre-election period. Unfortunately, that dialogue did not continue during or after the election, because of the pressure exercised by outside political factors.

In that regard, we consider of great importance the revitalization of that welcome dialogue, in the strong belief that this will increase inter-ethnic relations and cooperation. The revitalization of that important bridge of communication will positively affect the political dialogue between Pristina and Belgrade.

This coming year will be of great importance for Kosovo, especially with regard to the speed with which it will approach its European future. That process, which we believe will be affected by the expected realization of the standards achieved, requires the serious and full engagement of the democratic institutions and civil society of Kosovo and of all the other actors who are seriously interested and involved in the quest to achieve a peaceful and stable region.

What we expect from Kosovo is a free, multi-ethnic and democratic society, with full respect for minorities and human rights, the return of displaced persons and their integration into society, and the strengthening of the rule of law, which will surely be a real contribution towards the stability and security of the region. In order to achieve that benchmark, it is crucial that the necessary space be created for dialogue and understanding and for the elaboration of cooperation policies which should be developed independently, away from the political debate on the future status of Kosovo.

The economic development of Kosovo is strongly and directly related to its future. We welcome the affirmation of that crucial factor in Ambassador Eide's report and fully support the evaluation of the current situation in Kosovo. We support the development and the implementation of an economic plan, with the engagement of the international institutions and the Provisional Institutions of Kosovo.

The final status of Kosovo is part of a broad and multidimensional process that has already started and involves a number of players. Each of them has its own place and is offering its own contribution. In these circumstances, we believe that the decision on the final status of Kosovo, to be taken by the Security Council, has to take into account the will of the Kosovar people.

We are of the opinion that a decision on the future status of Kosovo should go beyond regional round tables and should be decided in a measured and determined way by the international community, thereby fostering peace and stability in the region.

Last but not least, our delegation commends the excellent statement made today by the British representative, Sir Emyr Jones Parry, which not only reflected a good understanding of the situation on the ground but also wisely and realistically put forward some of the duties and responsibilities that should be undertaken by all the players in the region; indeed, a simple emotional response will hardly suffice.

The President: The next speaker inscribed on my list is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Strømmen (Norway): Let me start by thanking Special Representative Søren Jessen-Petersen for his very comprehensive briefing.

Norway aligns itself with the statement made just a few moments ago by the Ambassador of the Netherlands on behalf of the European Union. In addition, I would like to make the following observations.

The Secretary-General's report to the Security Council clarifies the challenges facing the Kosovars as well as the international community in Kosovo. Norway supports the continued efforts outlined in the report to implement European standards in Kosovo. The report underscores the need for setting priorities in the standards-implementation process, as well as for a more systematic programme of competence-building and transfer of responsibilities to local institutions. We fully support those recommendations.

At the same time, Norway also fully concurs with the Secretary-General's recommendation that there be a greater degree of accountability on the part of the Kosovo institutions. The United Nations Interim Administration Mission in Kosovo (UNMIK) must maintain effective oversight and mechanisms for remedial action, should that be necessary.

Stability in the western Balkans is of continued importance for Europe as a whole. It is therefore important that the Kosovo issue be dealt with in a way that does not lead to renewed violence or regional destabilization. While economic development is important for stability, so, too, is the need for a greater effort for inter-ethnic dialogue and reconciliation. Norway supports greater efforts to foster local initiatives for community-based inter-ethnic dialogue and reconciliation.

Serb participation in the political and administrative life of Kosovo is important if Kosovo is to be truly multi-ethnic. The Kosovo Albanian political leadership should take the lead in supporting local community reconciliation. It should actively promote public policies, such as local administration reform, that involve, empower and benefit all communities. Such policies will also indirectly foster an environment of security.

It is vital that the legitimate interests of all communities in Kosovo be taken duly into account. First and foremost, all inhabitants must be ensured full respect for their human and civil rights. That includes the security of individuals and communities alike.

Norway commends the Kosovo Central Elections Commission and its staff on the well-organized Assembly elections that were held on 23 October. The fact that the elections were conducted in a peaceful and orderly manner gives rise to optimism.

However, we regret the very low turnout of Serb voters in those elections. We believe that such non-participation is detrimental to the best long-term interests of the Serbian community in Kosovo. Self-isolation will not bring any benefit, but only exacerbate the challenges facing all those who are committed to a democratic and multi-ethnic Kosovo.

We trust that the new cabinet, when it has been constituted, will work together with UNMIK, the Organization for Security and Cooperation in Europe, the Council of Europe and others to implement European standards and resolution 1244 (1999) in Kosovo. We take it for granted that the new Government will be a Government for all inhabitants, whatever their ethnic background.

Democracy and multi-ethnicity cannot be achieved until all communities in Kosovo feel that their rights, aspirations and concerns are fully respected and adequately addressed by their neighbours and Kosovo institutions. Kosovo continues to suffer from a deficit of mutual trust and respect between communities. That is perhaps the predominant challenge facing Kosovo today.

Authorities and political leaders in Kosovo must publicly demonstrate their commitment to the security of all inhabitants of Kosovo, irrespective of nationality. Sustainable security for all communities in Kosovo is first and foremost the responsibility of Kosovar political leaders. The international community can help, but respect for the inalienable right to security can derive only from a more widespread mentality of respect and tolerance among the inhabitants of Kosovo.

In that regard, it is important to once again emphasize the responsibility of all political leaders, elected officials and civil servants at both the municipal and Kosovo-wide levels. The Provisional Institutions of Self-Government must ensure that the human and civil rights and legitimate interests of all communities are taken seriously and addressed in a manner compatible with European standards.

Preparations must commence for a discussion of Kosovo's future status. As Ambassador Eide has pointed out, there will never be an ideal time for discussions on status. Discussions will be difficult. It will be vital to include Belgrade in that process. Discussions must also to the fullest extent possible safeguard the human, minority and civil rights of all inhabitants of Kosovo.

Norway will continue its support for the Special Representative's agenda for development and stability in Kosovo.

The President: I give the floor to the representative of Serbia and Montenegro to make a brief additional statement.

Mr. Ćović (Serbia and Montenegro) (*spoke in Serbian; interpretation provided by the delegation*): I am duty-bound to make some additional remarks on certain issues that have been raised by representatives here.

I am grateful for this discussion and wish to say, on behalf of the Council of Ministers of Serbia and Montenegro and the Government of the Republic of Serbia, that we support the report of Ambassador Eide and consider it to be a very important document. Neither I, nor the Government of the Republic of Serbia, nor the Council of Ministers of Serbia and Montenegro has ever endorsed the idea of partitioning Kosovo and Metohija. We believe that the future of Kosovo and Metohija lies neither in partition nor in an independent Kosovo. There will be no future for Kosovo and Metohija if over 200,000 people are prevented from returning to their homes. They have waited for the moment of return for almost five years now and I do not know which institution will end up paying the price for the fact that the twenty-first century has come but they have yet to do so.

We fully support the idea of Serbian participation in truly multi-ethnic institutions in Kosovo and Metohija, and I believe that the Security Council has seen that in practice. The Serbs participated in the 2001 and 2002 elections; representatives of Kosovo Serb ethnic communities have been outvoted in the Provisional Institutions of Self-Government and have had to be escorted to the Assembly in armoured vehicles. This is not about obstruction or an unconstructive approach. We have fought very hard for Serb participation in those institutions.

I must make it very clear that no Kosovo Serb has the right to participate in the creation of an independent Kosovo, but, after five years of stagnation and of being prevented from returning to its homes, the Serbian ethnic community has no reason to believe certain statements made by members of the international community. As to the future status of Kosovo and Metohija, the optimal solution will not be one that gives everything to one ethnic community and deprives another of everything else.

Since I began working on the Kosovo issue in 2001, I have sat in on seven of these meetings. I have cooperated closely with Mr. Haekkerup, Mr. Steiner and Mr. Holkeri and am prepared to do the same with Mr. Jessen-Petersen, who recently assumed his new post. I have seen and heard a great deal of comprehensive and constructive reports, but violence nonetheless erupted on 17 March. The situation in Kosovo is not good and we are eager to help the international community improve conditions there, but the cooperation must be reciprocal. We cannot accept the idea that everything that comes from Belgrade is not good because it comes from Belgrade. I will never hesitate to claim responsibility when there are solid grounds for doing so, but I cannot allow some people to misrepresent the truth unchallenged. If some say that stating the truth is taking the emotional path, then so be it. The fact is, some very bad things are happening under the protection of the international community.

We are fully prepared to cooperate with the international community. I am pleased that the Council

finds the elections to have been a great success, but they were a failure from the ethnic point of view and I regret that fact. Belgrade could have urged the Serbs to participate in the elections, but I am afraid that the turnout would have been no higher. I encouraged them to participate in 2001, but I assure the Council that we would have been unable to repeat the performance this time.

With regard to economic development, we are fully prepared to cooperate, but we urge the international community to implement a privatization process that is fair, fully respectful of property rights and implemented in an ethnically unbiased manner.

With respect to the accusation concerning certain measures taken by the Serbian Orthodox Church, I assure the Council that the Church has always been most cooperative. The situation is extremely complex, particularly when some people are trying to deny that this is the Serbian religious heritage and some people are trying to call it something different. I hope that, working together, we will be able to rebuild those religious sites. As the Council is aware, we condemn in the strongest possible terms setting fire to the mosques in central Serbia.

With regard to the way to proceed on cooperation, we must go back to the Working Groups. We must also raise the question of who will have the authority to decide whether or not there has been enough progress. It cannot be only the international community or the Special Representative of the Secretary-General, because, you understand, Kosovo is formally part of Serbia and Montenegro, so we must have a word in this.

We fully support a constructive approach but we also believe that any attempt to nominate individuals of questionable militant background is not a good way to proceed. It would make dialogue much more difficult. My concern is that by trying to nominate such people for these high positions, someone is trying to obstruct further resumption of the dialogue. We are more than interested in including the Serbs in the dialogue, but not as window-dressing, but in an efficient and constructive way.

I would like to assure you that the international community and Mr. Petersen, like all his predecessors, will have full support from Belgrade in his efforts. However, I also urge you to bear in mind that Belgrade's situation is as complicated as Pristina's. I hope that by working jointly we will be able to make real progress for the whole region.

The President: I shall now give the floor to the Special Representative to respond to comments and questions.

Mr. Jessen-Petersen: I shall try to be brief so as to wrap up the debate. I want to thank all the members of the Council and the other speakers for their expressions of very strong support for our comprehensive integrated strategy, our proposed way forward and our proposed timetable.

I was asked why I am more optimistic at this stage than my predecessors. I am not optimistic that there is a change. I am hopeful. Why? Many of you have referred to the March events. We all agree that they were deplorable, regrettable, and clearly must not be allowed to happen again. March was a setback for Kosovars, the international community, indeed for all of us, but I believe that March was also a turning point since we all understand, the political leaders on the ground, the people on the ground understand we cannot allow this to happen again. But it also brought home to us clearly that we also cannot continue to manage Kosovo as a holding operation. The very uncertainty is unhelpful for stability not only in Kosovo, but in the entire region. That is why we decided to put an emphasis on priorities in the standards. What went wrong in March were all the issues linked to the interests of the minorities, of multi-ethnicity, so we have decided to focus on all the relevant minority issues. They have been mentioned here very often and strongly supported: security, freedom of movement, return of displaced persons, protection of minorities and decentralization.

By focusing on those very priorities of direct relevance to the minorities, we are drawing a link between March and the review of mid-2005. We are saying that only if there is demonstrable, visible, clear improvement in all those areas, will we move towards a positive assessment of progress on standards. We are thus also saying that we can neither maintain Kosovo as a holding operation, nor reward violence, because we need to see action on everything that went wrong in March. That's why I believe that there is today a clear understanding on the part of all political leaders but also the people of all ethnicities in Kosovo, of what needs to be done now.

I am also hopeful because we have introduced regular technical assessments on progress. Those technical assessments, of which the first is in front of you, will allow us to do two things: first to try and push the process forward, and, secondly and equally important, to manage expectations. In other words we have to make sure that there is sufficient progress, but also be ready to point out if it is insufficient. Our technical assessments will be realistic and honest, as was our first, which pointed out that progress has been uneven. It is also very clear that it is only in the case of a positive assessment of sufficient progress that we will be able to embark on a process leading towards status talks.

To make sure that we do not fail, accountability is very important. It has been referred to and I welcome the many statements here supporting my initiative now to focus on accountability. We have drawn up a policy on the ground in order to make sure that we conduct this policy in a clear, consistent and credible way. But we will hold non-performing authorities accountable, regardless of ethnicity. That is another way to hold the Government and others accountable for progress in implementing standards.

Progress in decentralization is one of the priorities. I welcome the strong statements of support for decentralization. I believe decentralization is one of the most important ways to bring in the minorities and to address their legitimate concerns for security and necessary institutional protection. That is why it is so important that the Kosovo Serbs participate in the working group on decentralization. It is, as much as anything, their concerns and their interests we wish to address, not just in words but in action.

Indeed, progress over the next six months requires that we reach out to the Kosovo Serbs, that the majorities reach out to the Kosovo Serbs. It also requires their active engagement in the dialogue, as well as a regular, constructive and active dialogue with Belgrade at all levels and on all issues. I must say, I welcome Mr. Ović's commitment to continue cooperating with UNMIK. I am also strongly committed to continuing that dialogue.

The Council today, and I am grateful for that, has sent a clear message to the Provisional Institutions and to all the people of Kosovo about what you expect and what they have to do to move determinedly on implementing standards and reach out to the minorities. The Council has also sent a very encouraging message of commitment and support. In Kosovo, I think that this message will also be received as a message of hope that we are on the right track, we are moving forward and we have a clear goal ahead of us. We need those strong statements of support. We have listened very carefully, and I want to thank you, Mr. President, and the Council for the very helpful and encouraging words of support and the many relevant observations. We have listened, we will act upon them, and I look forward to being back here again, in about three months.

The President: I thank the Special Representative for the clarifications he has provided in his closing statement. There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.50 p.m.

United Nations S/PV.5090

Security Council

Fifty-ninth year

Provisional

5090th meeting

Monday, 29 November 2004, 3 p.m.

New York

President:	Mrs. Patterson	(United States of America)
Members:	Algeria	Ms. Baaziz
	Angola	Mr. Lucas
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. von Ungern-Sternberg
	Pakistan	Mr. Khalid
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Dolgov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Davis

Agenda

The question concerning Haiti

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2004/908)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-62529 (E)

The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

The question concerning Haiti

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2004/908)

The President: I should like to inform the Council that I have received a letter from the representative of Haiti in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mérorès (Haiti) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2004/908, which contains the report of the Secretary-General on the United Nations Stabilization Mission in Haiti. Members of the Council also have before them document S/2004/923, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Valle (Brazil): Brazil will participate in the consensus regarding the adoption of the draft resolution concerning the renewal of the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH). Our vote reflects the view that the agreed text is yet another step within a broader political process, as it addresses interim measures that should be supplemented by further decisions in line with Haiti's needs in the months to come. We express appreciation to all delegations for their efforts to arrive at a consensual text, and we encourage them to continue working towards a long-term solution for Haiti.

We believe that security remains key for the achievement of stability in the country. Nonetheless, a sustainable solution for Haiti's many difficulties clearly goes beyond the security dimension. Given the interconnection between security and other main aspects of the Haitian crisis, it seems essential, in our view, that progress with regard to the needs for political reconciliation, economic reconstruction efforts and social amelioration needs to occur in parallel with the efforts being made in the field of security.

Brazil believes that, as we move forward, a mandate for MINUSTAH that is more specific and concrete than the one endorsed in resolution 1542 (2004) will be required to provide an adequate framework for dealing with the present threats in Haiti and to allow for the implementation of concrete measures so as to achieve a prompt improvement in the living conditions of the Haitian people.

In the absence of a number of measures — including those aimed at job creation — growing difficulties will probably arise for the maintenance of public order in the country. More precise language could have been included, for example, in operative paragraph 2, concerning the political reconciliation process; in operative paragraph 4, regarding economic development measures; and in the corresponding second, third and fourth preambular paragraphs. With regard to the duration of MINUSTAH's mandate, as provided for in operative paragraph 1, we trust that the intention to renew the mandate for further periods will be confirmed.

With a view to creating stable conditions for meaningful, free elections at the end of 2005, we support the view that the Council should issue stronger messages concerning the international community's long-term commitment to Haiti. That could have been done through the adoption of a broader multidisciplinary mandate for MINUSTAH. As we see it, the international community and the financial institutions should make further efforts to assist in

managing concrete development projects and help to remedy any gaps or shortfalls.

Although some countries and institutions have already commenced initiatives in the financial field, the scale of those efforts should be rapidly increased. We believe that, from a security perspective, the conditions for stepping up those efforts are already present. Donors should therefore be encouraged to accelerate the rate of disbursement of the funds pledged at the Washington Donors Conference, consistent with the priorities identified by the Haitian Transitional Government's interim cooperation framework.

It is well known that, for the first time, many Latin American countries have joined efforts in the context of the Security Council aimed at helping to reach a permanent solution to a conflict in the region. That is an initiative that should be encouraged. Presently, approximately 70 per cent of the troops on the ground are from those countries. I should add that Brazil also highly values the support being given to MINUSTAH by non-Latin American countries.

I wish to stress the efforts being made by the region with regard to the stabilization of Haiti. Those significant efforts should be reinforced by a stronger commitment by the international community to the resolution of essential issues in Haiti that go beyond security.

The President: I now put to the vote the draft resolution contained in document S/2004/923.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1576 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Muñoz (Chile) (*spoke in Spanish*): Chile, in accordance with its commitment to regional peace and security, promptly joined the provisional multinational force, helping to prevent a civil war and a humanitarian tragedy in Haiti. Aware that our support for Haiti should not be limited to the current emergency situation, we also joined the United Nations Stabilization Mission in Haiti (MINUSTAH). In doing so, we were convinced that only a comprehensive, multidimensional and long-term mission would be successful in Haiti.

Today, we would like to reaffirm that conviction. Therefore, we resolutely support the Secretary-General's proposal to extend the Mission's mandate for an 18-month period, which is consistent with our vision that the political, economic and social reconstruction of Haiti requires a long-term effort — specifically, at least until the conclusion of the electoral process that will produce legitimate authorities for the people.

Hence, we regret the fact that, ultimately, the resolution we have adopted contemplates a renewal of only six months. We believe that that could weaken the Mission's capacity to plan and carry out long-term activities. That could cause some countries to reassess their participation in MINUSTAH at the end of that period.

Despite what I have said, we voted in favour of the resolution. We did that because, in the resolution, priority is placed on aspects that we consider central to Haiti's security and stability: for example, the strengthening of institutional capacities, respect for human rights, a necessary end to impunity and effective national reconciliation.

Finally, we particularly value the fact that this resolution highlights the need for an inclusive political dialogue with the participation of all the political and social forces of Haiti that have opted for the democratic process, as well as the urgency of releasing the funds committed by donor countries and international financial institutions to facilitate the development projects that this brotherly country needs so urgently.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): Spain voted in favour of resolution 1576 (2004) to extend the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH). However, I should like to make a few observations, because we believe that the decision that we have just taken should not be considered as merely procedural. We believe that the United Nations operation in Haiti has a particular

importance, precisely because of the previous setbacks that the international community has experienced in that country. Because of those setbacks, we must now think in terms of a comprehensive and long-term operation, so that we are sure we will attain the objective we have set of restoring to the Haitian people the possibility of governing themselves in conditions of freedom, democracy and better economic and social conditions in the country.

The problems that the international community faces in Haiti are so serious that it is not enough to resolve the immediate security crisis in the country or to take short-term measures. We must insist on a comprehensive approach that addresses the political and security situation, human rights and economic development as elements of a whole. Moreover, even though the prospect of free elections constitutes a notable achievement, it is crucial to begin an inclusive process of national dialogue that will enable all social and political sectors to participate. The history of Haiti has taught us that there is little use in palliative measures. We must learn from past mistakes and take a long-term approach to defining the action to be taken by the international community.

For all those reasons, we are pleased that the resolution we have just adopted contains sufficient political, economic and social elements to help in promoting all those endeavours. At the same time, we must regret that the Council has been unable to support the recommendation of the Secretary-General and his Special Representative that MINUSTAH's mandate be extended for a longer period than usual — for 18 months — precisely so that it would be possible to plan in the long term. Nonetheless, we joined the consensus, because resolution 1576 (2004), which we have just adopted, extends the mandate of MINUSTAH for six months but makes it clear that the Security Council has the intention to renew for further periods. We hope that such renewals will take place, because that will enable the international community fully to meet its commitment to the Haitian people.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 3.25 p.m.

United Nations S/PV.5091

Security Council
Fifty-ninth year

Provisional

5091st meeting
Tuesday, 30 November 2004, 11 a.m.
New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

Security Council mission

Briefing by the head of the Security Council mission to Central Africa

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-62684 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council mission

Briefing by the head of the Security Council mission to Central Africa

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Jean-Marc de La Sablière, Head of the Security Council mission to Central Africa, and Permanent Representative of France.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I would like to welcome the return of members of the Council and of the Secretariat who took part in the mission to Central Africa.

I now give the floor to His Excellency Mr. Jean-Marc de La Sablière, Head of the Security Council mission to Central Africa.

Mr. De La Sablière (*spoke in French*): From 21 to 25 November, the members of the Security Council visited Rwanda, the Democratic Republic of the Congo, Burundi and Uganda, in that order. The purpose of the mission was to assess the progress of the Congolese and Burundian peace processes and the implications for the region. It was also an opportunity to recall the Security Council's support for those processes and for the two United Nations forces that are assisting them.

It also enabled the Council — which has been closely following those two situations and which in recent months has taken decision to strengthen the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), now the largest United Nations mission, and to create the United Nations Operation in Burundi (ONUB) — to send a number of messages: messages of encouragement, and also the message that it is necessary to step up and accelerate efforts in both of those countries, along with a message concerning the implementation of regional commitments.

Our terms of reference were clear and precise. The fact that they were known in advance facilitated the mission's work. This effort at transparency and communication, in fact, amplified the Council's message when we arrived on the ground. I think it is a good practice. I would add in my preliminary comments that this was the right time to carry out this mission. Council members will recall that we decided on this mission in principle several months ago; we then set the date in consultation with the two Special Representatives.

I believe we could not have chosen better. The mission was part of the regional cooperation effort, which was relaunched with the Great Lakes Conference, convened from 19 to 20 November in Dar es Salaam. As well, in the Democratic Republic of the Congo and Burundi, we were part of the strong support for the action being carried out at a key moment in the process by Carolyn McAskie and Bill Swing, whose work on the ground we greatly appreciated.

It was a key moment because in both countries the transition process is entering its final stage. We were able to discuss that situation, which is rather delicate to manage, with President Kabila and President Ndayizeye, as well as with the other, most directly concerned players. In Kinshasa and Bujumbura, the Governments and the Parliaments are now committed to preparations for the elections. That was the mission's context.

The written report of the mission will be distributed today, or tomorrow at the latest. I think it goes right to the heart of the matter. It includes an account of each of the mission's stages, as well as a set of conclusions and recommendations. On that basis, the Council will convene a public meeting in a few days, in which the representatives of the countries visited, as well as the States and organizations most concerned, can speak following the members of the Council. It will certainly enrich the Council's discussion to know their reactions.

Today, however, on behalf of the mission, I would like to thank the Heads of State, President Kagame, President Kabila, President Ndayizeye and

President Museveni, who received us at length, as well as the main actors in the transitions in the Democratic Republic of the Congo and Burundi, with whom we met. The mission was welcomed everywhere with great interest, which reflects the attention that is given to the Council's positions and action.

I would now like to discuss our analysis. The report of the mission to be distributed makes a distinction between the situation in the Democratic Republic of the Congo and that of Burundi. The two situations are different and have their own logic, history and pace. However, in today's initial oral presentation, which by definition is brief, I would like to focus on a certain overall vision, which might be useful for the Council, and give my general impressions, which, I believe, are shared by other members of the mission.

I would like to begin by saying that we came back encouraged, even though much remains to be done. We were encouraged because each of us, following the meetings we had with both Congolese and Burundian officials, felt there was a widely shared determination to move to elections. I would add that in the Democratic Republic of the Congo the local population in particular desires elections, which constitutes an additional responsibility for the principal actors of the Congolese transition. In Burundi, the spirit of reconciliation and power-sharing has made amazing progress.

We have come back encouraged also because, when we compare the situation today to what we saw during our last mission, in June 2003, we see the extent of the progress achieved. In the Democratic Republic of Congo, the institutions of the transition have been established and have begun their work. There were high and low points, but the incidents in Bukavu and Kinshasa last May and June have been overcome. In Burundi, a general ceasefire has been concluded. Calm prevails over 95 per cent of the territory apart from what is called rural Bujumbura, where the Forces nationales de libération are still rampant. In Burundi, the framework for the end of the transition and the post-transition period has largely been agreed, and the people are to adopt the constitution by referendum on 22 December.

Thus, we are encouraged, but that should not conceal our sense that nothing has been finished yet, because the difficulties and obstacles should not be underestimated.

A telling example of that is that in the Democratic Republic of Congo, the text of the constitution has still not been agreed upon. That is disturbing. In both countries, much legislative work remains to be done — although it is more advanced in Burundi — not to mention the preparation of electoral lists. As we have told both our dialogue partners, there is no time to lose, even though they should continue to favour dialogue. It is the responsibility of the Congolese and the Burundians to properly carry out the transitional process. In the Democratic Republic of Congo, the presidential authority must further its dialogue.

For its part, the international community engaged in the two countries must be able to exert effective influence. To that end, better use must be made of the mechanisms for coordination in the Democratic Republic of Congo, as desired by the International Committee in Support of the Transition, which calls for the establishment of the second and third joint commissions, as decided in September in New York. I believe that our message was understood.

My third general comment is that it is equally crucial that the elections scheduled for next year — and those dates must be respected — should not be jeopardized by new outbreaks of violence. That has been the aim of the Council's efforts for the past six months in deploying the United Nations Operation in Burundi and strengthening the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). That is also the reason behind the efforts expected of the authorities of Kinshasa and Bujumbura in the area of disarmament and the restructuring of the defence and police forces.

In that regard, much remains to be done in the Democratic Republic of the Congo. The creation of new integrated brigades — 10, if possible, before the elections — and a significant integrated police force are a priority. That requires the support of the international community, which must remain mobilized. Several countries have agreed to make a significant contribution to the Democratic Republic of the Congo in those areas. That is essential. In Burundi, things are more on track; it is now a question of will and determination.

My fourth general remark is, how can we not be struck by the fact that peace remains fragile in the region? Instability, which is particularly appreciable in the eastern part of the Democratic Republic of the Congo, should not jeopardize the process under way.

The problem represented by armed groups was raised with all the heads of State. The presence on Congolese territory of former Armed Forces of Rwanda (ex-FAR) and Interahamwe Rwandan rebels is first and foremost a problem for the Congolese themselves because of the suffering it causes the people. Furthermore, the possibility of organizing elections in the Kivu depends on the resolution of that problem. It has become a problem also for Burundi, because the FNL is receiving support in the Congo from the ex-FAR and Interahamwe. It is, of course, a problem for Rwanda as well. We have acknowledged that fact, even if the Council does not have the same assessment as the Rwandan authorities as to the magnitude of the threat.

In any case, this problem must be resolved, with the support of MONUC for the Congolese army — in keeping with MONUC's mandate — in the spirit of cooperation and confidence that must characterize relations among the countries of the region, with full respect for State sovereignty. That was the thrust of the statement issued by Council members following the threat of military action coming from Rwanda.

Let me reiterate that all the members of the mission believe that this problem should be resolved quickly. We mentioned that fact in our recommendations as well as the implementation of confidence-building mechanisms among States, which is crucial.

The regional dimension of certain problems makes it clear that the success of the Great Lakes Conference must now be followed up by the swift implementation of the Dar es Salaam Declaration by establishing priorities.

I would like to make a few final comments.

We must begin thinking about the post-electoral period, because the elections are not an end in and of themselves. Stability must be maintained following the elections. We have often made mention of this, because the Congolese and Burundian peoples, who have suffered greatly, deserve such stability. They deserve also to embark once again on the path to development, with the support of the international community.

Impunity must be combated with the utmost resolve; the peoples of the region deserve no less. The region has experienced a great many human rights violations, and that challenge is currently being taken up. I believe that the Security Council has work to do in that area. It must think about the steps that should be taken with respect to the FNL, a movement that is committing atrocities and that is opposed to the peace process. The Council would also be moving in the right direction if it acts as soon as it receives the report of the Secretary-General concerning the establishment of an international judicial commission of inquiry in Burundi.

Those were the comments I wanted to make while awaiting the report of the members of the mission, which, as I said, will be issued shortly. I would like to thank them for their support and for the spirit that prevailed in our work. I believe that, during the course of the week, we made clear the unity of the Security Council — a unity that is crucial to the effectiveness of its action in the region.

The President: I thank Ambassador De La Sablière for his briefing.

On behalf of the Council, I should like to express gratitude and appreciation to all members of the Security Council mission, which was very ably led by Ambassador De la Sablière, for the manner in which they discharged their important responsibility on behalf of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.

United Nations S/PV.5092

Security Council

Fifty-ninth year

Provisional

5092nd meeting

Tuesday, 30 November 2004, 11.40 a.m.

New York

President:	Mr. Danforth	(United States of America)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Lacanilao
	Romania	Mr. Dumitru
	Russian Federation	Mr. Denisov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

The situation between Iraq and Kuwait

Letter dated 26 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council (S/2004/927)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-62696 (E)

The meeting was called to order at 11.40 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Letter dated 26 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council (S/2004/927)

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/927, which contains a letter dated 26 November 2004 from the Permanent Representative of the Netherlands concerning the establishment of a trust fund in connection with the security arrangements for the United Nations Assistance Mission for Iraq (UNAMI).

Members of the Council also have before them the draft of a letter, which I, as President of the Security Council, propose to send to the Secretary-General, informing him that the Council specifically endorses the creation of the trust fund envisioned in his letter of 26 November 2004 to the Foreign Minister of the Netherlands, annexed to the aforementioned letter from the Permanent Representative of the Netherlands and requesting him to establish such a fund without delay and no later than 3 December.

In the absence of objection, I shall take it that the Security Council agrees that I should send the letter as drafted to the Secretary-General.

It is so decided.

The letter will be issued as a document of the Council under the symbol S/2004/929.

Let me just say that it is unclear whether the Security Council will have a meeting this afternoon. If it does not, this will be the last meeting of the United States presidency, and I want to thank all members of the Council for their excellent cooperation during what I think has been a very, very eventful month, especially because of the unusual nature of our meeting in Nairobi. It really took a lot of mutual effort. My view is that it was the United Nations and the Security Council at its very best.

I would also like to express my appreciation for the assistance of the Secretariat during this month, especially in planning and executing the trip to Nairobi, but also in everything else we have done this month. I do express my appreciation.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.

United Nations S/PV.5093

Security Council

Fifty-ninth year

Provisional

5093rd meeting

Wednesday, 1 December 2004, 4.55 p.m.
New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Khalid
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

The situation in Burundi

Second report of the Secretary-General on the United Nations Operation in Burundi (S/2004/902)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-62932 (E)

The meeting was called to order at 4.55 p.m.

Expression of thanks to the retiring President

The President (*spoke in Arabic*): As this is the first meeting of the Security Council for the month of December, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. John Danforth, Permanent Representative of the United States to the United Nations, for his service as President of the Security Council for the month of November 2004. I am sure I speak for all members of the Council in expressing our deep appreciation to Ambassador Danforth for the great diplomatic skill with which he conducted the Council's business last month, in particular during our meetings in Nairobi.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Second report of the Secretary-General on the United Nations Operation in Burundi (S/2004/902)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Burundi, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nkingiye (Burundi), took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on Burundi, contained in document S/2004/902. Members of the Council also have before them document S/2004/930, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1577 (2004).

Mr. De La Sablière (France) (*spoke in French*): The resolution that we have just unanimously adopted extends the mandate of the United Nations Operation in Burundi (ONUB) for six months. It also sends an important message to the Burundian parties, in particular to the Forces nationales de libération of Agathon Rwasa.

The resolution gives the Security Council an opportunity to respond to the joint report of ONUB, the United Nations Mission in the Democratic Republic of the Congo and the Office of the High Commissioner for Human Rights on the massacre that took place in Gatumba on 13 August 2004. In its presidential statement of 15 August 2004, our Council firmly condemned that crime and asked that the perpetrators be promptly brought to justice.

In accordance with the recommendation of the joint report of the United Nations, Burundi has announced that it will refer the Gatumba incident to the ICC. We welcome that decision. We also welcome the fact that the resolution expresses the Security Council's support for the efforts of United Nations Members to put an end to impunity, including the efforts undertaken by States in cooperation with the relevant international organizations and, in particular, with the International Criminal Court. The authorities in Burundi are making significant efforts with regard to the inquiry into the Gatumba massacre. They deserve the international assistance they have asked for, including that of the ICC. It is proper that the Council encourage all regional Governments and parties concerned to cooperate actively with those efforts.

Mr. Danforth (United States of America): At the outset, let me congratulate you, Mr. President, on your assumption of the presidency of the Council. This is a very substantial upgrade. I wish you well in the coming month and thank you for your very kind words addressed to me.

The resolution that the Security Council has adopted today is important in many respects. First, it extends the United Nations mission in Burundi, showing that we, as Member States of the United Nations, are in this process for the long haul. Secondly, the resolution forcefully condemns the violence that continues to plague Burundi, particularly the Gatumba massacre. It also states that those responsible for that violence must be brought to justice. Thirdly, it recognizes the important contributions made by other African nations — including Uganda, South Africa and the United Republic of Tanzania — to bring peace and stability to that troubled region. This is a comprehensive and forceful resolution.

Some of my colleagues have expressed concern that the resolution lacks language concerning the precise forum in which the perpetrators of violence in Burundi may be brought to justice. The United States strongly encourages Burundi to take further steps to establish its truth and reconciliation commission, as agreed to by signatories to the Arusha accords, as an important step towards ending impunity.

Moreover, I would like to reiterate that it is the policy of the Government of the United States to ensure that United States persons, including members of the armed forces of the United States of America participating in United States peace operations, are protected from criminal prosecutions or other assertion of jurisdiction of the International Criminal Court (ICC), including through the inclusion of express provisions providing such protection. United States persons are not participating in the United Nations Operation in Burundi (ONUB). Consequently we do not believe such express provisions are necessary in this case. In addition, consistent with the statement that the United States made upon the adoption of General Assembly resolution 58/318, expenses resulting from the provision of any cooperation or support to the ICC would be on a reimbursable basis. In this particular case the United States supports the resolution based on the understanding that it in no way directs, encourages or authorizes ONUB to cooperate with or support the ICC. Moreover, the United States supports the resolution based on the understanding that it does not change the existing mandate of ONUB regarding the investigation of violations of humanitarian law.

I would like to make a simple request of the Security Council and of other United Nations Member States. Let us put aside our differences on the ICC and focus on the positive result we have achieved here today in the specific context of the ongoing United Nations peacekeeping operation in Burundi. It is a good day for Burundi and for the prospects of peace and national reconciliation there. It is a good day for the United Nations in reaffirming its role in that effort.

The President (*spoke in Arabic*): I thank the representative of the United States for his kind words addressed to me.

Mr. Pleuger (Germany): My delegation would like to welcome your presence in the Chair, Mr. President. We pledge to you our full support during the month of December. We would also like to thank Ambassador Danforth for the able manner in which conducted the business of the Council last month.

The resolution we have just adopted does not only extend the mandate of the United Nations Operation in Burundi (ONUB) for another six months; it also contains important messages to the Burundian parties, most prominently to Mr. Agathon Rwasa's Forces de liberation (Palipehutu-FNL). The resolution is the first reaction of the Council to the joint report by ONUB, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) regarding the Gatumba massacre of 13 August 2004. Unfortunately, the Gatumba massacre is not the only case of atrocities committed during the more-than-a-decade-long conflict in Burundi. Burundi's recent history is also a history of widespread human rights violations, as well as one of impunity. To achieve peace, that cycle has to be broken.

The fight against impunity for grave violations of human rights and international humanitarian law is a matter of the utmost concern, and it needs to be addressed as a matter of priority by Burundi and other States in the Great Lakes region. The Burundian justice system therefore desperately needs our political and material support. The fight against impunity in Burundi and in other States with scarce capacity in the administration of justice can be won only with

international support. We welcome the intention of the Government of Burundi, expressed in its statement dated 29 October 2004 (S/2004/867), to refer the matter of the Gatumba massacre to the International Criminal Court (ICC) following its own internal investigations. One of the recommendations of the United Nations report on Gatumba, to which I have referred, is indeed to encourage the Government of Burundi to invoke the Court's jurisdiction.

We particularly welcome the support of the Security Council, as expressed in the resolution, for the efforts being made by States to end impunity. In addition to national efforts, that includes the efforts being made by States in cooperation with international institutions and tribunals, notably the International Criminal Court. We know that there are different views within the Council with regard to the ICC. We do not seek to impose our views on others. But the Government of Burundi is making a significant effort to investigate the massacre in the Gatumba refugee camp, including through its decision to refer the case to the ICC. It is right that the Council should encourage all regional Governments and parties concerned to actively cooperate with those efforts.

The President (*spoke in Arabic*): I thank the representative of the Germany for his kind words addressed to me.

Sir Emyr Jones Parry (United Kingdom): I would like to join colleagues is thanking Ambassador Danforth for his stewardship of the Council in November. I would also like to wish you every success, Mr. President, during your presidency in December. You will have the full support of the delegation of the United Kingdom.

The resolution we have adopted today not only extends the mandate of the United Nations Operation in Burundi (ONUB) for another six months, it also contains important messages to the Burundian parties and, most prominently, to the Forces national de liberation (Palipehutu-FNL). The resolution is the first reaction of the Council to the Gatumba massacre, which unfortunately is not the only case of atrocities committed during the more-than-a-decade-long conflict in Burundi. That recent history is also a record of widespread human rights violations, as well as one of impunity. To achieve peace, that cycle has to be broken.

The fight against impunity for grave violations of human rights and international humanitarian law is a matter of the utmost concern, and it needs to be addressed as a matter of priority by Burundi and by other States in the Great Lakes region. The Burundian justice system therefore desperately needs our political and material support, if the fight against impunity is to be won.

We welcome the intention of the Government of Burundi, expressed by what it said in its statement, to refer the matter of the massacre to the International Criminal Court (ICC) following its own internal investigation. One of the recommendations of the United Nations report on Gatumba is indeed to encourage the Government of Burundi to invoke the jurisdiction of the ICC.

The United Kingdom particularly welcomes the support that the Council has now expressed in this resolution for efforts which States are making, aimed at ending impunity, as well as national efforts. That includes efforts which States are making in cooperation with international institutions and tribunals, notably the International Criminal Court.

There are different views within the Council on the ICC. We are not seeking to impose our views on others, but the Government of Burundi is making a significant effort to investigate the massacre in the Gatumba refugee camp, including through its key decision to refer the case to the ICC. It is right, therefore, that the Council should encourage all Governments and parties concerned in the region actively to cooperate with those efforts.

The President (*spoke in Arabic*): I thank the representative of the United Kingdom for the kind words he addressed to the presidency.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): I too would like to thank Ambassador Danforth and the entire delegation of the United States of America for the remarkable role they played in the presidency of the Council during the month of November. I would like also to say, Sir, how pleased we are to be working under your able leadership. We can ensure you of our full cooperation throughout the month of December, which will be Spain's final month as an elected member of the Security Council.

Security Council resolution 1577 (2004), which we have just unanimously adopted, not only extends

the mandate of the United Nations Operation in Burundi (ONUB) for an additional six-month period. It is a resolution that also contains important political messages for the Burundian parties, in particular with respect to the cessation of violence and to the peace process. Those messages are directed to all parties, but in particular to the Forces nationales de libération (Palipehutu-FNL).

The resolution is the first reaction by the Security Council since it received the joint report of the United Nations Operation in Burundi, THE United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights regarding the massacre that took place in the Gatumba refugee camp on 13 August 2004.

Unfortunately, the Gatumba massacre was not the only case of atrocities committed during the long conflict in Burundi, which has lasted more than a decade. Burundi's recent history is a history that has included widespread human rights violations, most of which also, unfortunately, have been committed with impunity. If we want peace to be achieved in Burundi, that cycle has to be broken. The fight against impunity for the most serious violations of human rights and international humanitarian law is a matter of particular concern for all of us and must be properly addressed, as a priority, by Burundi and by the other States of the Great Lakes region.

It is clear that the Burundian justice system needs political and material support from the international community. The fight against impunity in Burundi and other States that have limited capacities in that area can be won only with effective international support. We welcome the intention of the Government of Burundi, as expressed in its letter of 29 October 2004 (S/2004/867), to refer the matter to the International Criminal Court (ICC) following its own national investigations.

One of the recommendations of the joint United Nations report on the Gatumba massacre is indeed to encourage the Government of Burundi to invoke, at the proper time, the Court's jurisdiction in this case. Spain welcomes the support of the Security Council, as expressed in resolution 1577 (2004), which we have just adopted, for the efforts that are being made by States to end impunity in the region. In addition to national efforts, these also include efforts being made by States in cooperation with international institutions and tribunals, and specifically with the International Criminal Court.

The Government of Burundi is making a significant effort to investigate the massacre in the Gatumba refugee camp, including its stated willingness to refer the matter to the International Criminal Court at the proper time. It is thus perfectly appropriate for the Security Council to encourage regional Governments and other parties concerned to cooperate actively with those efforts.

The President (*spoke in Arabic*): I thank the representative of Spain for the kind words he addressed to the presidency.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.20 p.m.

United Nations S/PV.5094

Security Council

Fifty-ninth year

Provisional

5094th meeting

Tuesday, 7 December 2004, 10 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Mahmood
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Colomina
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-63689 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947)

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Security Council have before them the report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004) and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947).

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs. I now give him the floor.

Mr. Prendergast: As you mentioned, Mr. President, Council members have before them a report of the Secretary-General (S/2004/947) pursuant to the resolutions that you cited. Despite some earlier gains, November was characterized by violence and a marked deterioration in the security situation. Immediately after the signing of the Humanitarian and Security Protocols in Abuja on 9 November, Darfur experienced relative calm. However, this calm was short-lived, with the security situation rapidly worsening towards the end of the month. Ceasefire violations took place on both sides. Increased clashes took place between Government forces and the Sudan Liberation Movement/Army (SLM/A), with the recent fighting in Tawilla, North Darfur, on 22 November, as the most glaring example of this.

The SLA is thought to be responsible for instigating much of the violence, although it has denied this. The Government's use of aerial bombing in retaliation, if confirmed, would also be in breach of the Protocols. On 24 November, at a meeting of the Joint Implementation Mechanism, jointly chaired by the Special Representative of the Secretary-General for the Sudan and the Sudanese Foreign Minister, the Government denied using aerial bombardment and stated that it would carry out its own investigation into the allegations, in parallel with the African Union (AU).

At a subsequent meeting of the Joint Implementation Mechanism, held on 5 December, the Sudanese Foreign Minister continued to deny the reports, despite African Union statements that they had evidence of the use of aerial bombardment. The Minister said he would not accept any statements until a final report had been issued by the African Union, maintaining that the Sudanese army Chief of Staff would be asked to carry out a separate investigation.

In addition to the fighting in Tawilla, on 1 December an African Union military observer from Chad sustained minor injuries when he was shot during an investigation mission in Adwah village, north of Nyala, in South Darfur. The shooting of the observer represents the first time an African Union soldier has been wounded in Darfur. He was part of a team that had traveled to the area to verify allegations of fighting between the armed militia and the SLA. The African Union team was forced to withdraw from Adwah following the incident. However, prior to the attack, the team, while flying overhead, had spotted around 100 dead people killed by the fighting.

The Chairperson of the African Union Commission, Alpha Konaré, issued a strongly worded statement unreservedly condemning the incident. Mr. Konaré stated that shooting at monitors not only endangered the lives of members of the African Mission in Sudan (AMIS), but could make potential troop contributors reluctant to send troops to the Sudan. He warned that the series of violent incidents that had occurred in Darfur, if not brought to an immediate end, risked undermining the Sudanese peace process. Heavy fighting continues in Adwah even up to today.

Other incidents of violence took place in the Darfur region throughout November. Banditry and looting increased in North Darfur at the beginning of the month, especially on the major roads. On 2, 3 and 26 November in West Darfur, one of the two new rebel movements, the National Movement for Reform and Development (NMRD), reportedly attacked four villages around the Kulbus area, where tensions remain high. Cross-border operations by elements of the Chadian army in support of the NMRD were reported on 19 and 21 November. El Geneina, Jebel Marra, Tawilla and Rokiro are also reportedly tense, signifying the simultaneous development of so-called hot spots in many areas of Darfur. The Jebel Moon area, in North Darfur, is also tense, with the reported presence of all three rebel groups — the SLA, the Justice and Equality Movement (JEM) and NMRD — as well as Government forces and armed tribesmen.

Increased activity by the Janjaweed and other pro-Government militias, leading to clashes with the SLA, has been reported. The latest clashes, which threaten to plunge Darfur into chaos, are of great concern. Both the militias and the SLA have grievances that lead them to trigger the fighting: the militias have been subject to camel-raiding and hostage-taking by the rebels, while the SLA feels justified in carrying out retaliatory attacks for past violence perpetrated by the Janjaweed against civilians.

A clear message needs to be sent to the SLA to stop military actions, at least some of which appear to be deliberately intended to provoke the Government into retaliation. Following the signing of the Protocols, any attacks by the rebels, including those intended to settle old scores pre-dating the Protocols, are in violation of the ceasefire agreement. Further, the armed militias should not be allowed to take the law into their own hands by responding in kind to violence instigated by the SLA.

The militias have become a destabilizing factor, posing a dilemma for existing mechanisms intended to deal with ceasefire violations. They are not included in any of the political negotiations; nor are they signatories to the ceasefire agreement.

The international community must send an unequivocal message to all Sudanese parties that, particularly after the signing of the Abuja Protocols, violence and hostile military actions are not an acceptable means to achieve political gains. Equal pressure must be exerted on all sides to abide by their commitments.

Regrettably, the Government has made no progress in disarming the Janjaweed. The African Union Ceasefire Commission (AUCFC) has confirmed that, to date, it has not been invited to verify any disarmament activities by the Government. Nor has there been any evidence of the Government apprehending and bringing to justice Janjaweed leaders for their past crimes, which was a central demand of the Security Council in its resolution 1556 (2004). Moreover, the AUCFC has indicated that the Government has made no effort to stop recent retaliatory attacks by the Janjaweed. Indeed, unconfirmed reports continue to circulate that the armed militias are still receiving weapons from some quarters in Khartoum.

During a meeting of the Joint Ceasefire Commission in N'Djamena on 25 November, the African Union asked the Government to provide it with the plan and timetable for the disarmament of the Janjaweed and other militias, and asked the SLM/A and the JEM to give details of the exact locations of their troops within the next few weeks. Failure to do so, the African Union stated, would oblige it to report the matter to the AU's Peace and Security Council, as well as to the members of the Security Council.

It is encouraging to note the robust approach taken by the African Union to get the parties to comply with their commitments. The enhanced African Mission in Sudan — which so far has only 800 troops and just over 100 military observers in Darfur — is to be commended for its proactive and positive role there, under increasingly challenging circumstances and with limited resources. In addition to its monitoring task, AMIS has undertaken mediating roles to prevent conflicts and reduce tensions in incidents of hostage-taking and cattle-looting. AMIS has carried out that monumental undertaking with considerable aplomb, in spite of the fact that it is not yet operating at full capacity in Darfur.

Meanwhile, the Government's inaction regarding the disarmament of the militia underscores the need to strengthen AMIS's capacity even further. The African Union should be commended for what it has managed to achieve with relatively few troops on the ground. But it would undoubtedly be able to do even more with increased capacity, including by acting as mediator and

by protecting civilians through its presence. As the only monitoring mechanism present in Darfur, AMIS will continue to play a critical role in establishing a secure environment. The international community must provide all necessary support to enable it to do so.

Logistical limitations remain a problem for AMIS. Shortages of communications equipment, ground transport, fixed-wing aircraft, aviation fuel and medical capabilities continue to constrain its activities on the ground. Here too, continuous international support is required.

During the period under review, the percentage of vulnerable persons accessible in Darfur fell from about 90 to 80 per cent because of increased insecurity and the onset of the rainy season. In North Darfur, where tens of thousands were cut off from relief, the percentage fell to 67 per cent. Both the SLM/A and, to a lesser extent, the Government bear responsibility for the recent decrease in access. In Tawilla, fighting led to the suspension of humanitarian activities for about a week, resulting in aid being cut off to about 30,000 internally displaced persons.

The humanitarian situation remains dire. As of 1 November, the number of conflict-affected persons had risen to close to 2.3 million. The United Nations and its partners have estimated requirements of approximately $1.5 billion for the Sudan for 2005, of which $620 million will be dedicated to Darfur, with the rest covering southern and eastern Sudan.

Despite the escalation of violence in Darfur, progress was nevertheless made in the negotiations in Abuja. The signing of the two Protocols on 9 November is a case in point. It is encouraging to note the ability of the Government, the SLM/A and the JEM to overcome their differences and reach agreement. At the next round of the Abuja talks — due to resume on 10 December — the parties are expected to discuss the Declaration of Principles, which forms the basis of political objectives and institutions in Darfur.

I am glad to report that the north-south talks continue to provide some room for optimism. Following the pledge in Nairobi by the Government and the Sudan People's Liberation Movement/Army (SPLM/A) to conclude a final peace agreement by 31 December, technical-level discussions resumed on 26 November. Yesterday, 6 December, high-level talks between Vice-President Taha and Chairman Garang restarted in Naivasha in what is hoped will be the final round of talks. Yesterday and today, Special Representative Pronk was in Naivasha, where he met the principals.

As the Secretary-General informed the Council in Nairobi, the conclusion of a comprehensive peace agreement in Naivasha would have far-reaching consequences for the Sudan, providing its leaders with a historic opportunity to reverse the country's ills. Such an agreement could provide a basis on which to address the demands of other marginalized regions of the Sudan, including Darfur.

The Secretary-General remains concerned that some elements on both sides of the north-south negotiations could see an interest in undermining the chances of concluding a comprehensive peace agreement. He calls on the leaders of the parties to redouble their efforts to conclude an agreement by the agreed deadline. Once a comprehensive peace agreement is signed, the Secretary-General will report to the Council and present his recommendations regarding the size, structure and mandate of a full mission to replace the present advance mission, as specified in Security Council resolution 1574 (2004).

The President (*spoke in Arabic*): I thank Mr. Prendergast for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.30 a.m.

United Nations S/PV.5095

Security Council

Fifty-ninth year

Provisional

5095th meeting

Tuesday, 7 December 2004, 4.50 p.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Lucas
	Benin	Mr. Zinsou
	Brazil	Mr. Tarrisse da Fontoura
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Mrs. Collet
	Germany	Mr. Von Ungern-Sternberg
	Pakistan	Mr. Akram
	Philippines	Mr. Lacanilao
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. McGurk
	United States of America	Mr. Fendrick

Agenda

The situation concerning the Democratic Republic of the Congo

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-63819 (E)

The meeting was called to order at 4.50 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of the Democratic Republic of the Congo, in which she requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite the representative of the Democratic Republic of the Congo to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Booto (Democratic Republic of the Congo) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of the members to document S/2004/935, containing a letter dated 30 November 2004 from the representative of the Democratic Republic of the Congo, and documents S/2004/933 and S/2004/951, containing letters dated 30 November 2004 and 6 December 2004, respectively, from the representative of Rwanda.

After informal consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council expresses its very deep concern at multiple reports of military operations by the Rwandan army in the eastern part of the Democratic Republic of the Congo and at threats by the Government of Rwanda in that regard. It recalls its adherence to the respect for the sovereignty of all States, and underlines that the threat or use of force against the territorial integrity of any State is contrary to the purposes and principles stated in the Charter of the United Nations.

"The Security Council strongly condemns any and all such military action, recalling that they are contrary to its resolutions, and in particular to resolution 1565 (2004), by which it urged each of the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda, to ensure that the territory of its country was not used to infringe the sovereignty of the others.

"The Security Council demands that the Government of Rwanda withdraw without delay any forces it may have in the territory of the Democratic Republic of the Congo, and calls on all States in the region to refrain from any action or statement that contravenes international law or undermines the already fragile stability in the region or the transitional process supported by the international community.

"The Security Council notes that those reported events and threats are contrary to all peace agreements, declarations and protocols signed by regional States since the 1998 commencement of hostilities in the Democratic Republic of the Congo. It underlines that those events and threats, arising after the International Conference on the Great Lakes Region of Africa, are contrary to the commitments taken by the regional heads of State, in the Declaration adopted in Dar es Salaam on 20 November 2004, to settle their disputes in a peaceful manner, and are all the more unacceptable.

"The Security Council calls on all Governments in the region to commit themselves to and make full use of multilateral mechanisms they have agreed to establish, including the Joint Verification Mechanism and the Tripartite Commission, for the peaceful resolution of bilateral disputes. It further calls on the Government of Rwanda, as well as all Governments in the region, to devote their resources to the promotion of peace, stability, democracy and development.

"The Security Council urges all Member States fully to comply with their obligations under resolution 1493 (2003), which imposed an

arms embargo in the district of Ituri and the provinces of North and South Kivu.

"The Security Council recognizes that continued tension in the eastern part of the Democratic Republic of the Congo undermines peace and security in the region, and in particular that the presence of ex-FAR and Interahamwe is a source of instability, a threat to civilian populations and an impediment to good-neighbourly relations between the Democratic Republic of the Congo and Rwanda. It considers the armed presence and activities of ex-FAR and Interahamwe elements in the eastern part of the Democratic Republic of the Congo to be unacceptable and demands that they disarm and disband without delay, with a view to their repatriation or resettlement.

"In that regard, the Security Council welcomes steps taken to set up the plan established by the Congolese authorities, with the support of the United Nations Organization Mission in the Democratic Republic of the Congo, aimed at accelerating the disarmament and demobilization of foreign armed groups. It calls on the Governments of Rwanda and the Democratic Republic of the Congo to explore ways to facilitate the voluntary repatriation of those combatants, based on the existing mechanisms. It urges the Congolese authorities to do all possible to effectively disarm those armed groups as a matter of urgency in the interest of stability in the Democratic Republic of the Congo, the security of Rwanda and Burundi, and the establishment of peace and stability in the region.

"The Security Council further calls in this regard on the Congolese authorities to accelerate the integration of the armed forces of the Democratic Republic of the Congo, and encourages the donor community to provide coordinated financial and technical assistance to that important task.

"The Security Council condemns any attempt aimed at undermining the unity and territorial integrity of the Democratic Republic of the Congo.

"The Security Council expresses its intention to consider further actions, including measures that may be taken against those individuals who, by their actions or statements, compromise the peace and transition process in the Democratic Republic of the Congo."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/45.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.

United Nations S/PV.5096

Security Council

Fifty-ninth year

Provisional

5096th meeting

Wednesday, 8 December 2004, 9.30 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Pakistan	Mr. Akram
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

Security Council mission

Report of the Security Council mission to Central Africa, 21-25 November 2004 (S/2004/934)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-63902 (E)

The meeting was called to order at 9:40 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council mission

Report of the Security Council mission to Central Africa, 21-25 November 2004 (S/2004/934)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Burundi, the Democratic Republic of the Congo, Japan, the Netherlands, Rwanda and Uganda, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/934, which contains the report of the Security Council mission to Central Africa, which took place from 21 to 25 November 2004.

At the outset, I give the floor to Mr. Jean-Marc de La Sablière, head of the Security Council mission to Central Africa, to provide a brief introduction to the report on that mission.

Mr. de La Sablière (France) (*spoke in French*): I had the privilege a few days ago of reporting to the Security Council on the mission we carried out in Central Africa. Today, at the outset of this meeting, I will go to the heart of the matter and touch on the recommendations the mission has made to the Council. Members will find these recommendations in the report (S/2004/934), from paragraph 47 on.

I will begin by saying that the Security Council mission arrived at a time when in both the Democratic Republic of the Congo and Burundi there had been action in a new phase that should lead us to the end of the transition — that is to say, elections next year. It is absolutely crucial for the officials in both countries to take the necessary steps so that the transitions in both countries are irreversible. The closer we get to the end of the transition, the harder it is, of course — we know this — and the more those officials have to act decisively. But it is also crucial that in this phase the Burundians and the Congolese receive the support of the international community, support that is essential.

As regards the Democratic Republic of the Congo, there is an authority that brings together the main players from the international community that support the country, and that is the International Committee in Support of the Transition (CIAT). It is absolutely essential that the joint committees that were decided between the CIAT and the Congolese authorities be able to get to work. That is the case for one of them; but for the two others, we recommend that they begin working very quickly. We also believe that the international community, on this very important question of disarmament of the ex-FAR/Interahamwe, which I will come back to later, has to assist the Congolese authorities to build an integrated army, integrated brigades. We also believe that, with a view to elections, the international community should help to build an integrated police force as well.

With regard to Burundi, I draw attention to paragraph 53 in our report, where we mention the need for financial assistance for Burundi, which should receive disbursements consistent with their absorption capability.

As my colleagues all know, the mission dealt with the question of the eastern part of the Democratic Republic of the Congo, relations between Rwanda and the Democratic Republic of the Congo, the presence of ex-FAR/Interahamwe, and threats of intervention into the Democratic Republic of the Congo. The Security Council dealt with this last issue in the presidential statement issued yesterday, so I will not come back to it. On this issue, the Council has simply followed the recommendations that were made by the mission.

There is a problem we have to deal with, as emerges clearly from the Council's statement yesterday.

Turning to Burundi, I would say briefly that our general impression was that the peace process is on track, the spirit of reconciliation is quite present, and on many items since our return the Security Council has taken positions along the lines suggested by the mission. The Council renewed the mandate of the United Nations Operation in Burundi (ONUB) and expressed its intention to review measures that could be taken with respect to the FNL against those who would compromise the peace and reconciliation process. Finally, the Council was also able to respond to the Gatumba massacre. So I think that the Council has certainly followed the path recommended by our mission.

In conclusion, I will briefly mention the situation in the region. On several occasions, the mission mentioned the conclusions of the Great Lakes Conference, which is an important political event. The mission suggests in its conclusions and recommendations that the commitments that were made should be swiftly implemented and priorities should be set.

So there, in a nutshell, is a summary of the recommendations made by the mission. We also mention the follow-up to the mission by the Security Council in the last two weeks, a follow-up that was carried out quite quickly in many areas.

The President (*spoke in Arabic*): I thank Ambassador de La Sablière for his introduction.

I give the floor to the representative of the Democratic Republic of the Congo.

Mrs. Booto (Democratic Republic of the Congo) (*spoke in French*): Mr. President, allow me first to convey heartfelt congratulations on behalf of my delegation on your assumption of the presidency of the Security Council for the month of December and for the effective way you are conducting the business of the Council.

My delegation is honoured to take part in this important meeting on the report of the Security Council mission to Central Africa. My delegation is happy that, for the second time now, the Council has taken the initiative to travel to Central Africa. We take this opportunity to express our appreciation for the high quality of the contributions made by all Council members under the leadership of Ambassador De La Sablière, Permanent Representative of France to the United Nations. The mission came at the right time, following the first summit of heads of State in the framework of the International Conference on the Great Lakes Region, held in Dar es Salaam on 19 and 20 November 2004, which concluded with the solemn adoption of the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

For the States of the region, the Declaration's adoption represents great hope for stability, peace and democracy in the region. Even more, it underlines the political will of the leaders of the region to begin a new era of good-neighbourliness, collaboration and cooperation in order to rebuild those countries affected by a long period of war, to develop their economies and to ensure the return of a pluralist democratic system in the region, which will ensure genuine economic, social and cultural development through political stability.

Our study of the report of the Security Council mission to Central Africa (S/2004/934) leads my delegation to make the following observations. My delegation notes with satisfaction and a sense of encouragement that the members of the Council recognize the progress made in the region since the Council's last visit, in June 2003, in particular the efforts made by the Democratic Republic of the Congo since the June 2003 mission, especially the establishment and functioning of all transitional institutions, such as the Parliament, the Government of National Unity and the integrated high command for the armed forces and the police service, as well as the five institutions supporting democracy and territorial integrity. All those institutions are ready to begin operations and consult with one another in their careful preparations for the transparent, free and democratic general elections to be held next year. The Democratic Republic of the Congo wishes to reinforce that irreversible trend in order finally to emerge from the quagmire in which it was stuck to join the ranks of modern democratic States that participate in the development of universal civilization. In that context, members of the Council were reassured at the highest level of the State that the Democratic Republic of the Congo is determined to hold free elections in accordance with the agreed timetable.

Unfortunately, despite the progress made and the intensive consultations between Rwandan and

Congolese authorities to establish a climate of trust, cooperation and understanding in which to peacefully resolve any possible dispute that might arise while tackling the problem of members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe, Rwanda continues to make threats towards the Democratic Republic of Congo, thus jeopardizing all bilateral agreements signed between Rwanda and my country in New York and elsewhere, as well as other, multilateral agreements. This is clearly a deliberate attempt to prolong insecurity in the eastern part of the Democratic Republic of the Congo in order to disrupt the transition process under way and prevent the holding of elections, in particular by contributing to the emergence of militias and dissident factions, which is what led to the events of Bukavu in early June 2004.

A few days ago, immediately following the Dar es Salaam Conference on Peace, Security, Democracy and Development in the Great Lakes region and just when members of the Security Council were visiting the region and when the Summit of la Francophonie was under way in Ouagadougou, President Paul Kagame of Rwanda, scorning the peace efforts in the Great Lakes, issued a declaration of war under the pretext of pursuing so-called negative forces. He then took the action of redeploying Rwandan troops in certain localities of the provinces of North and South Kivu.

My country notes that President Paul Kagame of Rwanda has demonstrated his willingness to take the responsibility of unleashing hostilities against the Democratic Republic of the Congo, in violation of all concluded agreements and of the principle of the inviolability of borders, in accordance with Article 2, paragraph 4, of the Charter of the United Nations and the Constitutive Act of the African Union.

We appeal to the great sense of responsibility of members of the Council to condemn Mr. Paul Kagame's arrogant and irresponsible attitude towards the international community, as those statements were made before the Rwandan senate barely one week after the signing of the Dar es Salaam Declaration, which we consider to be of historic importance in ensuring peace in Central Africa. In that context, I stress that all Governments of the Great Lakes region, including that of Rwanda, committed themselves to adopt non-aggression pacts and to promoting the establishment of a regional mechanism to establish a zone of lasting peace.

The President of the Democratic Republic of the Congo, His Excellency Mr. Joseph Kabila, addressed the nation in order to inform the Congolese people about the repeated acts of aggression that our country has suffered at the hands of Rwandan armed forces under the command of Mr. Paul Kagame. In his speech, President Kabila described the successive stages of the war that Rwanda has waged against my country since 1998 under the false pretext of pursuing ex-FAR and Interahamwe combatants in the territory of the Democratic Republic of the Congo. The President of the Republic has demonstrated the good will of the Congolese authorities since 1999, cooperating closely with the Rwandan authorities and the international community in order to eradicate those elements from Congolese territory, in accordance with the Geneva Convention Relating to the Status of Refugees, the Universal Declaration of Human Rights and 1969 Convention of the Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa. His action was also based on the Pretoria Agreement of 17 December 2002 and the tripartite agreement signed by Rwanda and Uganda in New York in October 2004. In other words, the entire legal arsenal has been mobilized in accordance with the norms of international law to achieve a peaceful settlement of the crisis caused by the presence of ex-FAR and Interahamwe elements in the Democratic Republic of the Congo.

All regions of the country, including in particular its eastern area — the provinces of the Kivus, Maniema and Orientale — aspire to live in peace and security within their borders. All incursions by foreign forces, including those of Rwanda, will require the Government of National Unity of the Democratic Republic of the Congo to strictly implement Article 51 of the Charter, which stipulates that nothing in the Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

While endorsing the Council's presidential statement (S/PRST/2004/45) issued yesterday, 7 December 2004, the Government of the Democratic Republic of Congo intends to strengthen its security measures along the Rwandan border in order to protect the civilian population, because information coming from the Kivus describes acts of violence, inhuman and

degrading treatment and massacres that have targeted several thousand civilians, including women and children separated from their families, who have been subjected to cruelty at the hands of Rwandan soldiers. Those soldiers are known for their legendary cruelty and practice a scorched earth policy, destroying everything they find in the villages and causing massive displacements of the population, which seeks to flee those barbaric acts and massacres. Humanitarian personnel on the ground have also raised the alarm about the fact that those displacements will have serious consequences.

On the basis of that analysis, my delegation appeals to all countries that cherish peace and justice to lend their unwavering support to the efforts deployed by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on behalf of the international community with the goal of ensuring peace, security and the establishment of democracy in the Democratic Republic of the Congo. Those efforts are most solidly supported by the Transitional Government of the Democratic Republic of the Congo, which pursues the sole, praiseworthy goal of establishing in the country the rule of law and the republican values of equality, justice and peace. My delegation stands ready to cooperate closely with the Security Council to attain those goals.

The President (*spoke in Arabic*): I thank the representatives of the Democratic Republic of the Congo for the kind words she addressed to me.

The next speaker is the representative of Uganda. I invite him to take a seat at the Council table and to make his statement.

Mr. Butagira (Uganda): Seeing is believing. Members of the Security Council delegation to Central Africa visited the region. They saw and heard what was going on with respect to the security situation in the region. They have come back convinced that the region has done a lot to promote peace and security. Their optimism is not misplaced. I congratulate Ambassador Jean-Marc de La Sablière, the head of the mission, and all the other members of the Council delegation on their efforts to forge close working ties with the leadership of the countries of the region.

The countries of the region have assumed ownership of the work to stabilize the region, as epitomized by what is going on in Burundi. Through bilateral and tripartite mechanisms, the countries of the region are addressing the issues of security, peace and development. The international community, through the United Nations, should not only monitor closely the implementation of those agreements and follow closely the roles and activities of the States of the region, as recommended in the report (S/2004/934), but also should give help where necessary and be actively involved. As His Excellency President Yoweri Kaguta Museveni of Uganda told the delegation, close involvement of regional States in the affairs of the region, in close partnership with the United Nations, has borne fruit and could serve as a model of cooperation.

Uganda has a considerable stake in the stability of the Democratic Republic of the Congo and believes that, in order to achieve durable peace, that country needs a strong central Government with a strong army to assert its authority over the entire territory. With strong authority, issues such as the alleged illegal exploitation of the country's natural resources can be controlled.

Uganda now believes that any threat posed to neighbouring countries by negative forces in the territory of the Democratic Republic of the Congo can be addressed through the existing tripartite mechanisms, as well as through bilateral and regional agreements, with the involvement of the African Union where this is necessary. In that way, the sovereignty of States of the region would be safeguarded.

I would like to emphasize a point made by my President concerning the greater involvement of regional players such as the parties to the 1999 Lusaka Ceasefire Agreement in the international peace processes under way in the Democratic Republic of the Congo. My country is ready to play any role the international community may deem necessary.

On the issue of armed groups in Ituri, which are outside the transitional process, it is important that they be integrated in the Transitional Government. My President has already informed the Council of the understanding reached between him and President Kabila on that issue. Uganda does not believe in or condone impunity. However, caution should be exercised here lest the vigorous pursuit of the alleged perpetrators drive them underground and impede the process of integration. Crime has no statute of limitation, and those involved could, if need be, always

be dealt with later, once institutions of government have been strongly established.

Lastly, the Council delegation touched on the humanitarian situation in northern Uganda. The Uganda Government has gone the extra mile by offering to talk to the rebels and by declaring a unilateral ceasefire in certain areas in order to allow them to assemble. The leadership of the rebels has not responded yet. It is in their interest to do so.

Otherwise, the military campaign has scored tremendous success with scores of abducted children rescued and large numbers of rebels surrendering. More than 700 rebels have been trained and absorbed into the Uganda armed forces as a sign of reconciliation. Soon, rebel activity in northern Uganda will be history.

I close, Sir, by congratulating you on your assumption of the presidency of the Council. I wish you well.

The President (*spoke in Arabic*): I thank the representative of Uganda for the kind words he addressed to me.

The next speaker is the representative of Burundi. I invite him to take a seat at the Council table and to make his statement.

Mr. Nteturuye (Burundi) (*spoke in French*): I wish at the outset to congratulate you, Sir, on the outstanding manner in which you are presiding over the work of the Security Council. I also congratulate the delegation of the United States on its presidency during the month of November.

My delegation welcomes the recent Security Council mission to Central Africa, led by Ambassador Jean-Marc de La Sablière, the fourth such visit since 2001. The report under consideration (S/2004/934), which complements the Secretary-General's report on Burundi (S/2004/902), published on 15 November 2004, points out honestly and unambiguously the progress and the challenges of the peace process in Burundi and in the subregion.

We would like to address the most important aspects, not only for the end of the transition of Burundi but also for the period beyond. First, dialogue among Burundians must continue so that the widest possible consensus can emerge on political issues, in particular power-sharing and the adoption of laws that will govern the post-transition period. For Burundi needs peace not only before the end of the transition, but also after it.

Council members were correct to ask their Burundian interlocutors during their visit if the political provisions being prepared presaged true stability and lasting peace after the elections. Let us repeat once again: the more we emphasize the search for political consensus, the more likely we are to have lasting peace after the elections.

The international community is called upon to encourage Burundians to build a Burundi for all and by all. It is also called upon to encourage the future leaders of the post-transition period to reassure today's sceptics by building a climate of trust and preventing what the Secretary-General calls in his report "recklessly pursuing a winner-takes-all strategy" (*S/2004/902, para. 62*).

Secondly, the question of the Forces nationales de libération (FNL) warrants special attention from the Council. My delegation is pleased to observe that the Council mission noted how concerned the Burundian authorities are by the behaviour of leaders of that rebel movement which spreads hatred and violence and which is trying to derail the electoral process. The authorities of Burundi are asking the Council not only to support the decisions of the heads of State of the subregion, but also to go further by promising all necessary assistance to prevent the leaders of the Forces nationales de libération, allied with the negative forces in the Democratic Republic of the Congo, from sabotaging the peace process in Burundi and disrupting peace along the border, especially that between the Democratic Republic of the Congo and Burundi.

Thirdly, turning to the fight against impunity, Burundians are still waiting for the United Nations contribution. In that regard, we should make public the embargoed report of the Secretariat's assessment mission undertaken in May with the mandate of evaluating the timeliness and feasibility of establishing an international commission of judicial inquiry in Burundi. The report should be submitted to the Government of Burundi and to the Security Council before the end of the year, as promised, and everything should be done to hasten the consultations that will follow upon the report's publication. The struggle against impunity, the establishment of the rule of law and national reconciliation are important to the

stability of post-transition Burundi. They must be addressed lucidly.

Fourthly, international assistance is crucial to financing the elections and to implementing the reforms called for in the Arusha Agreement. Be it a question of the disarmament, demobilization and reintegration operation; reform of the security and justice sectors; assistance for returnees and displaced persons who wish to return home; or the reconstruction and revitalization of the economy, we still await the assistance promised by the lenders. Burundi cannot solve those problems by itself. My delegation invites the Economic and Social Council's Ad Hoc Advisory Group on Burundi to visit the region and to see for itself yet again the link between bread and peace, especially at this crucial stage in the process of putting the country back on track. Without substantial humanitarian and economic assistance, poverty, disease and unemployment are potential factors for destabilization and could re-ignite social tensions after the elections because, as the Security Council mission observed, elections are not an end in themselves.

Those are the cornerstones that form the basis of adherence to the electoral calendar and end-of-transition activities, which could augur a more promising future for Burundi. To date, and following the Security Council's most recent visit, the train has been stubbornly moving towards the station, as witnessed by the 80 per cent registration of potential voters in the referendum and by the onset of demobilization at three sites. The first site is for the voluntarily demobilized personnel of the Burundian Armed Forces; the second is for the voluntarily demobilized personnel of the Forces pour la défense de la démocratie and other armed movements; and the third is for demobilized child-soldiers. Meanwhile, laws on the new national defence forces and the new national police have just been adopted by the National Assembly.

We take this opportunity to welcome the role that has been and will be played by the United Nations Operation in Burundi in all aspects of the late transition process, especially action to disarm the civilian population and election monitoring.

Reforms must move forward at the same pace in order to create a general symbiosis and dynamic to help Burundi overcome this crisis, the positive effects of which will be felt beyond its borders so as long as all the countries of the subregion are part of the dynamic established at the International Conference on the Great Lakes Region held at Dar es Salaam on 19 and 20 November under United Nations auspices. Our subregion needs to recover rapidly so that we can tackle our reconstruction and development through such organizations as the Economic Community of the Great Lakes Countries, which must be reactivated, the East African Community and others.

The President (*spoke in Arabic*): I thank the representative of Burundi for his kind words addressed to me.

The next speaker is the representative of the Netherlands. I invite him to take a seat at the Council table and to make his statement.

Mr. van den Berg (Netherlands): I have the honour to speak on behalf of the European Union. The candidate countries Bulgaria, Romania, Turkey and Croatia; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro; and the European Free Trade Association country Norway, member of the European Economic Area, align themselves with this statement.

At the outset, allow me to congratulate you, Sir, on assuming the presidency of the Council. I would also like to thank Ambassador de La Sablière for leading the Security Council mission and preparing the report that is before us today.

The visit of the Security Council mission to the region took place at a very appropriate moment, as it came only days after the heads of State of the core countries of the Great Lakes Conference signed the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. By signing the Declaration, they have committed themselves to jointly putting an end to the endemic conflicts and persistent insecurity in the Great Lakes region through dialogue and confidence-building measures.

The European Union welcomes the outcome of the summit as clear evidence of the preparedness of the countries of the region to move from confrontation to consultation and cooperation. It is now imperative that all signatories respect the principles they have agreed upon and start implementing them without delay. The

European Union acknowledges that it will be impossible to tackle all the problems of the region at once. Therefore, the inter-ministerial committee awaits the difficult but important task of setting clear priorities and sequences. The European Union reiterates its readiness to continue its support for the conference through the Group of Friends.

The European Union is very concerned about reports concerning the military incursion by Rwandan armed forces into the Democratic Republic of the Congo, which took place only days after the Dar es Salaam Declaration was signed and the Security Council mission had left for New York. The threatening declarations made by Rwanda have a destabilizing effect on the transition process in the Democratic Republic of the Congo. The European Union condemns any violation of the territorial integrity of the Democratic Republic of the Congo. It calls upon the Rwandan Government to abide by the Declaration of Principles, to respect the sovereignty of the territory of the Democratic Republic of the Congo and to withdraw its forces. The European Union calls upon the Transitional Government in the Democratic Republic of the Congo to react with restraint to avoid a military escalation. It calls upon both countries to resolve the crisis within existing mechanisms, such as the Tripartite Commission and the Joint Verification Mechanism, in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

At the same time, the European Union shares the view that the problem of the disarmament, demobilization, reintegration and resettlement or repatriation of the Forces démocratiques de libération du Rwanda and the former Forces armées rwandaises (FAR)/Interahamwe should be urgently addressed. First and foremost, the continued presence of ex-FAR/Interahamwe elements on the territory of the Democratic Republic of the Congo poses a threat to the local population. The ensuing tensions risk undermining the Congolese peace process. The European Union therefore calls on the Government of the Democratic Republic of the Congo to intensify its efforts to disarm and demobilize such elements, with a view to their repatriation or resettlement. It also encourages MONUC to support the Government in whatever way it can. The imminent deployment of an additional brigade to North Kivu will provide additional security for the region and increase MONUC's capacity to prevent spoilers, both from within and outside, from derailing the peace process in the Democratic Republic of the Congo.

Every chain is only as strong as its weakest link. Peace and stability in the Great Lakes region will therefore remain elusive as long as one or more of the countries of the region has not been stabilized or reached a stage where the peace process is irreversible. The European Union, like the Security Council mission, is therefore heartened by the progress that has been made in the transitional processes in both Burundi and the Democratic Republic of the Congo. In both countries the focus is now on elections, which are to be held next year.

The situation in Burundi is particularly encouraging. The acceptance of the Constitution by all parties is a major step forward towards completing the transition period and the holding of elections, for which a clear calendar has been established. Voter registration is well under way.

The European Union welcomes the recent adoption of laws on the reform of the armed forces and the police, and calls upon the Burundian authorities to adopt the remaining key legislation, including the electoral code and the communal law, as soon as possible.

Another encouraging development is the recent launch of the disarmament, demobilization and reintegration (DDR) process. However, the continued support of the international community for the transitional process remains crucial for it to remain on track.

The European Union supports the mission's recommendation to reflect deeper on possible ways to effectively prevent spoilers like the Forces nationales de libération of Agathon Rwasa from undermining the peace process. The European Union also agrees with the mission's conclusion that, in order to prevent conflict from recurring, Burundi needs international assistance in the areas of security sector reform, DDR, reconstruction and development.

The European Union is less optimistic about the progress in the Democratic Republic of the Congo. Last August, the Secretary-General outlined the political strategy that he believed should be implemented to reduce the role of spoilers and build confidence in the transition. MONUC was reinforced

and further expanded to support the Transitional Government in the implementation of the so-called critical path. In addition, the international community reiterated its willingness to assist the Transitional Government. That assistance would be facilitated by more regular contacts between the *espace présicentiel* and the International Committee in Support of the Transition, as well as through cooperation between the Government and international actors in the three joint commissions, which should be established as soon as possible. However, the primary responsibility for implementing the core tasks of the transition rests with the Transitional Government.

Elections should be held in 2005. Failure to do so could destabilize the country. The European Union is very concerned about the lack of progress in key areas during recent months, most notably with regard to legislation, DDR and security sector reform. As far as security sector reform is concerned, the training of a number of integrated brigades before the holding of elections seems essential. The European Union has supported, and is planning to support, the Transitional Government in virtually all of those areas. With regard to police, the European Union has provided training for an integrated police unit. A follow-up mission will guide the unit in the exercise of its new duties. Additional support for police reform, as well as for the integration of the army, is currently being considered.

The European Union is one of the main contributors to the multi-country demobilization and reintegration programme trust fund. With regard to elections, the European Commission has pledged €80 million, while several of its member States have also pledged significant contributions.

The struggle against corruption is another important element of the transition. In that regard, the European Union welcomes recent indications of a more forceful approach.

The Transitional Government needs international assistance, and the European Union is willing to do its part. However, international assistance cannot substitute for political will and sustained commitment on the part of the Transitional Government. The Government owes nothing less to its people, who are counting on their leaders to bring them the peace they so richly deserve.

There is no peace without justice, and there is no justice without the rule of law. The recent history of both Burundi and the Democratic Republic of the Congo is also a history of widespread human rights violations and impunity. That cycle needs to be broken, as peace, democracy, good governance and sustainable development are unthinkable without respect for the rule of law. There are additional challenges to the rule of law in conflict and post-conflict societies: at the very moment when the need for justice is greatest, the legal structures necessary to deliver that justice may well be absent. Efforts at the national level should, where necessary, be complemented at the international level through cooperation with relevant international institutions, notably the International Criminal Court.

The President (*spoke in Arabic*): I thank the representative of the Netherlands for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Kamanzi (Rwanda): I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month. I would also like to express my appreciation to the delegation of the United States for a job well done last month. Allow me also to thank the members of the Council for their decision to send a mission to Central Africa in November 2004, as well to thank the leader of the mission for presenting its report. My Government believes that such visits to the field are useful to enable the Council to appreciate first-hand the challenges being faced with respect to peace, security, poverty and underdevelopment in the region.

The mission began its visit one day after the historic signing of the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. It is my Government's earnest hope that the process that began in Dar es Salaam on 20 November will culminate in genuine and durable peace, security, democracy and development in the Great Lakes region and in the wider African continent. We welcome the determination of the heads of State present at Dar es Salaam to respect the territorial integrity and sovereignty of all States in the region and to prevent the use of their own territories for subversive activities by armed groups. We also welcome their strong commitment to combat genocide in the region and to disarm and arrest the perpetrators of the genocide in Rwanda.

I would like to take this opportunity to reiterate that the allegations pertaining to the presence of Rwandan army troops are false. We have thus far deployed our troops along the common border with the Democratic Republic of the Congo in order to counter incursions perpetrated by former Forces armées rwandaises(FAR)/Interahamwe from the territory of the Democratic Republic of the Congo.

Council members will be aware of my Government's concern that for 10 years the problem of the ex-FAR/Interahamwe based on the territory of the Democratic Republic of the Congo has not been conclusively addressed and, as a result, remains a source of insecurity and unrest for Rwanda, the Democratic Republic of the Congo and the wider region. Over the last 10 years, Rwanda's sovereignty and territorial integrity have been repeatedly violated with relative impunity by those forces. Cross-border attacks are very frequent. Over the last few months alone, over 600 of those forces have been captured while conducting operations inside Rwanda. Their cross-border operations have caused loss of life and property and injury to civilians, as well as destruction of infrastructure.

Despite numerous Council resolutions, those forces continue to live and conduct criminal activities from within their mobilized units in the Democratic Republic of the Congo. They also continue to receive military and other supplies and to recruit, train and brainwash a significant number of members of the younger generation that they involve in their military activities.

We are aware that a new plan is now on the table regarding the disarmament of those negative forces. However, it is my Government's experience that it is not absence of good ideas or new and fresh plans that killed the old plans, but rather the lack of political will to implement them.

My Government earnestly hopes that the problem of the ex-FAR/Interahamwe can be rapidly and decisively addressed by the Democratic Republic of the Congo Government and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), so that the need for any country in the region to take any action against those forces in self-defense is eliminated.

My Government looks forward to the operationalization of the Joint Verification Mechanism. In that regard, Rwanda has demonstrated its commitment by taking the necessary steps to fulfil its obligations, including the appointment of representatives. We look forward to the appointment of all representatives so that the mechanism could be operationalized in the very near future.

Concerning the situation in Bukavu and the wider region of the Kivus, my Government would like to express its concern about the plight of the Banyamulenge people and other groups who are being persecuted and marginalized. We appeal to the Security Council to ensure that their rights and freedoms are upheld as citizens of the Democratic Republic of the Congo, and that those who have been forced to flee their country are allowed to return home and live in peace and dignity.

Turning to the situation in Burundi, my Government welcomes the progress in the transition process. My Government is encouraged by the seriousness and resolve of the Burundian authorities to settle the issues that are still outstanding and to respect and maintain the electoral calendar. Rwanda supports all measures that will ensure long-term peace, stability, reunification, reconciliation, democracy and power-sharing and justice and development in Burundi, and will continue to support the transitional process.

The Rwandan Government believes that strong and decisive measures need to be taken against the Forces nationales de libération (FNL), which, following its joint attack with the exFAR/Interahamwe against the refugees in Gatumba, slaughtered, in cold blood, 160 Banyamulenge refugees and has continuously been destabilizing the country.

My Government welcomes the conclusion of the Security Council mission to Central Africa that, as long as the problem of the ex-FAR/Interahamwe remains, it will be a source of instability in the region. We also welcome the mission's recognition that this group poses a threat to the civilian population and neighbouring countries and that needs, therefore, the problem to be rapidly addressed. That is the most critical factor for my Government — that the problem be rapidly and decisively addressed without delay. We indeed appeal to the Council to confirm that this problem will be rapidly addressed.

My Government notes that in the presidential statement issued by the Security Council yesterday, the Council described the armed presence and activities of

the ex-FAR/Interahamwe as unacceptable. My Government also considers the presence of those forces in mobilized positions that pose a real and direct threat to the security of Rwanda to be unacceptable. We also find it unacceptable that those forces are a present and increasing threat to Rwanda and the wider region, even now, after the genocide.

For 10 years my Government has appealed for this problem to be rapidly addressed. Elaborate plans have been drawn up, including the timetables and plans that were a key component of the Lusaka and Pretoria agreements. While Rwanda fulfilled its commitments under both agreements, by completely withdrawing all of its troops from the territory of the Democratic Republic of the Congo, the Democratic Republic of the Congo has yet to fulfil its commitment to disarm, demobilize and repatriate the ex-FAR/Interahamwe, even now, five and a half years after the signing of the Lusaka Ceasefire Agreement and three and a half years since the signing of the Pretoria Agreement.

I would like to take this opportunity to thank the Council and to urge members to keep their attention focused on this issue in order to quickly establish peace and stability in our region.

The President (*spoke in Arabic*): The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Kitaoka (Japan): We appreciate the decision to dispatch a Security Council mission to the Central Africa region. The mission encouraged the ownership initiative of Africa for peace and security at a very critical moment for the region, when the first summit meeting of the International Conference on the Great Lakes Region of Africa, which embodies that initiative, was taking place. The subsequent disturbance in the eastern part of the Democratic Republic of the Congo, however, has seriously damaged the prospects for achieving peace and stability in the region. I therefore wish to discuss three points that Japan considers important in that connection.

First, we are deeply concerned about the reported incursion of Rwandan troops across the border of the Democratic Republic of the Congo. We must urgently seek to establish the facts, since the event, if it actually occurred, jeopardizes the efforts of the Security Council and the international community to bring about peace in the Great Lakes region. The Government of Rwanda should first have recourse to such political means as the Joint Verification Mechanism or the tripartite mechanism to address its security concerns.

The immediate and active cooperation of the Government of Rwanda in getting the Joint Verification Mechanism operational is an absolute requirement. At the same time, the disarmament, demobilization, reintegration and repatriation or resettlement of members of the former Rwandan Army (ex-FAR) forces and Interahamwe in the Democratic Republic of the Congo must be accelerated, and we therefore urge the Government of the Democratic Republic of the Congo to make every possible effort to disarm and repatriate those soldiers as expeditiously as possible, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the newly deploying brigades, in particular.

Secondly, with regard to Burundi, we first of all commend and support the role played by the Regional Peace Initiative and the African Union in promoting the peace process. It is important for all the parties concerned to make further efforts to advance the process, in accordance with the newly established schedule, so as to enable the indirect election of the new President to be held and, thus, the process to be completed next April. We condemn the Forces nationales de libération (FLN) of Agathon Rwasa for continuing to reject the peace process and fighting against the Forces armées burundaises. We also strongly condemn the Gatumba massacre. Such a tragedy must never be repeated in this region. We welcome in this regard the intention of the Government of Burundi, after its national investigation, to refer the matter to the International Criminal Court. I expect those efforts to lead to the identification of those responsible for the massacre and to ensure that they are brought to justice.

Thirdly, with regard to the activities of the peacekeeping operation, it is important to note that the Security Council mission visited United Nations peacekeepers in both the Democratic Republic of the Congo and Burundi to make assessments on the ground. Based on the experience gained through that mission, the Security Council should seek to conduct more in-depth discussions on how peacekeeping operations can contribute to making elections successful in those countries and can then be drawn

down in accordance with a clearly defined exit strategy.

In this connection, I must mention that the instances of sexual abuse alleged to have been committed by members of MONUC betray the trust and confidence of the local population and seriously undermine the credibility of the Security Council and the United Nations as a whole. The Secretariat must not suppress the facts in this case. All information should be disclosed, and strict disciplinary measures to prevent any recurrence should be taken at once.

In closing, I cannot overstate the importance of a regional approach to the peace and stability of the Central African region. The Security Council should consider how to mobilize and optimize the military, political and socio-economic tools available to the international community in order to promote overall peace in the region. Japan, for its part, has actively participated in the discussion and, as a non-permanent member of the Security Council from next year, stands ready to discharge its enhanced responsibilities in this regard.

Mr. Trautwein (Germany): I would like, first, to fully align my delegation with the statement just delivered by the representation of the Netherlands on behalf of the presidency of the European Union. I will therefore limit myself to a few comments.

We would like to thank Ambassador de La Sablière and the Secretariat for preparing and leading the mission in such an excellent way. My delegation wishes that we could call the mission a full success. But the reports of a major military operation by Rwandan troops in eastern Congo and the ensuing controversy between the Governments of the Democratic Republic of the Congo and of Rwanda have demonstrated that there is a continuing considerable lack of confidence- or simply distrust. Yesterday's reaction by the Council in the form of a presidential statement should be a very clear warning to Rwanda. The intention stated by Rwanda to conduct a calibrated action within 14 days against members of the former Rwandan Army (ex-FAR) forces and Interahamwe might reignite the regional conflict, and it seriously threatens the fragile transitional process in the Democratic Republic of the Congo.

The Government of the Democratic Republic of the Congo must also play its part more actively. In particular, it has to do more to disarm the troops of the ex-FAR/Interahamwe. Only a serious and sustained military effort on the part of the Congolese Army will yield success. Rwanda, in return, must offer a climate to potential returnees in which they feel welcome and can enjoy full political freedoms.

Although the mission dealt primarily with the Great Lakes conflict, we had a chance to speak briefly with President Museveni about the conflict in northern Uganda and the ensuing humanitarian crisis there. The Council should keep the conflict on its agenda and encourage peaceful solutions. We welcome any attempt on the part of the Ugandan Government to enter into a dialogue with the Lord's Resistance Army leadership.

In conclusion, I would like to point out a very important aspect of this and other missions of the Council. Although we are sometimes frustrated by developments in the Great Lakes region, we should always bear in mind that our efforts to achieve lasting peace are aimed at populations longing desperately for a normal life in a stable environment. The mission met many courageous and dedicated persons from all walks of life, who devote their lives to ending impunity, building bridges between ethnic groups and bringing humanitarian assistance to communities forgotten by their Government and local rulers. That was, and is, very inspiring.

Mr. Dumitru (Romania) (spoke in French): Romania fully associates itself with the statement made by the Permanent Representative of the Netherlands on behalf of the presidency of the European Union.

I would like to make a few brief remarks. First, I would like to thank Ambassador de La Sablière for the outstanding way in which he led the most recent mission of the Security Council to Central Africa. The thorough grasp of the issues that he demonstrated, in addition to his indefatigable dynamism and the eloquence for which he is so well known, meant that the messages of the Council were transmitted forcefully and clearly to the various interlocutors. We are also grateful to the countries of the subregion that received the mission. The dialogue that was conducted there, backed up by the views expressed today by the representatives of the countries concerned, provide an essential input for the deliberations that members of the Council will continue to conduct on matters of concern to them.

Secondly, we welcome the specific outcomes of the mission, which again prove how this instrument that the Council possesses can add value.

First of all, the mission stressed the ongoing commitment of the Council to peace and security in a key region of Africa. The direct contacts with the stakeholders improved our understanding of the facts on the ground and strengthened cooperation with regional and subregional partners. The mission was able to assess, at first hand, the excellent job done by both peacekeeping operations deployed in the region — the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Operation in Burundi (ONUB), as well as the effectiveness of the activities of the special representatives of the Secretary-General and other parts of the United Nations presence, whose synergy translates the Council's mandates into action.

In view of the challenges that must be met in order to meet the 2005 deadline for elections, we welcome the fact that the Council mission stressed the need for the Governments and parliaments of the Democratic Republic of the Congo and Burundi to hasten the adoption of the decisions and measures required of them. Accordingly, Romania wishes to reiterate that the primary responsibility of the political leaders of Central African countries is not only to their own peoples and countries, but also to neighbouring peoples and States.

Thirdly, we wish to point out something that is of particular interest to Romania, as well as to other members of the Council. While the mission focused on the two situations that require the vigilant attention of the Council — those in the Democratic Republic of the Congo and in Burundi — it also adopted a regional approach. That regional approach included talks with the Rwandese President, Mr. Paul Kagame, and the President of Uganda, Mr. Yoweri Museveni, it is crucial to resolving, in an integrated and consistent manner, the common issues of peace and security. As an African proverb says, everyone travelling in the same boat has the same destination.

The fact that the Council mission had two focuses was very important, since progress in the transitional processes in the Democratic Republic of the Congo and in Burundi is still fragile, due both to domestic difficulties and to negative external factors. Among those factors, we wish to draw the Council's attention to the serious lack of trust that continues to prevail in the domestic political atmosphere, among the political leaders of groups and communities and in relations between the main regional actors. Accordingly, we welcome the recent Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. We take note of the fact that confidence-building is among the priority policy options and guiding principles mentioned in the first section of part III of the Declaration, on peace and security. However, it is clear that, in the light of the discussions conducted by the Council mission and of subsequent events related to the renewed tension between the Democratic Republic of the Congo and Rwanda, this priority must indeed be put into practice, in order to overcome the currently prevailing distrust.

Fourthly, we share the broader vision of the mission, since it called upon parties in the region to look beyond the preparation and organization of the 2005 elections. While primary energy should be devoted, in the short-term, to that essential goal, we must also consider the political future of both countries after the elections are held and after the current transitional processes are completed. As shown by the experience of other countries, including Romania, that have seen successful political transitions holding elections is not an end in itself. Obviously, stability, peace and security will depend on what happens during the post-electoral, post-transition phase in the political and development areas.

There are, of course, many other lessons to be learned from the Council's mission to Central Africa. We support the set of recommendations made by the mission and systematic follow-up of these recommendations by the Council. At the same time, the indubitable impact on the ground prompts us to conclude that while we should continue to plan missions to Africa, also we must think about similar activities for 2005 in other regions in conflict that are on the Security Council agenda and that directly concern the maintenance of international peace and security.

Mr. Valle (Brazil): I would like to thank the Permanent Representative of France for his additional remarks, today, on the Security Council mission to Central Africa. I take this opportunity to congratulate Ambassador De La Sablière and his team for the excellent preparation for and performance of the

mission. I would also like to make the following points.

First, my delegation reiterates its support for the nature of such missions. They offer an invaluable opportunity for better and deeper knowledge on specific issues and situations and directly convey the Council's commitment to the advancement of peace in war-torn regions.

Secondly, Brazil is encouraged by the mission's progress, which its members witnessed particularly in Burundi, but also in the Democratic Republic of the Congo. We welcome the efforts being made in order to conduct elections in 2005 according to the agreed calendar, although we are conscious that the holding of elections is not an end in itself. At the same time, we also take note of the logistical concerns highlighted by local authorities, which may delay the electoral process in Burundi and in the Democratic Republic of the Congo. If necessary, new dates must be agreed upon by all concerned parties, but a delay in the elections must be considered only as a last resort, in order to guarantee free and fair elections.

The mission also recognized that all progress achieved on the political and security agendas could be jeopardized if legitimate concerns about social and economic development are not properly addressed. In that regard, in considering the extension of the mandate of the United Nations Operation in Burundi, the Council should devote further attention to the Operation's role in promoting and coordinating international efforts aimed at fostering development in Burundi.

Thirdly, I acknowledge the efforts made by the mission to cope with the unexpected challenge posed by the decision of the Rwandese authorities to launch, at the time of the mission's visit to the region, a series of threats that could easily undermine the Congolese peace process. In this regard, my delegation commends Ambassador De La Sablière for his vigorous leadership, which was responsible for a timely and balanced response to the situation. The mission had the opportunity to witness the concerns deriving from the presence of foreign armed troops, including members of the former Rwandan Armed Forces (ex-FAR) and Interahamwe, in the territory of the Democratic Republic of the Congo. The Council is aware of remaining problems in the peace process in the Democratic Republic of the Congo and should continue to back the efforts being made by Congolese authorities, with the support of the United Nations Organization Mission in the Democratic Republic of the Congo, aimed at accelerating the disarmament and demobilization of foreign armed troops. The presidential statement adopted yesterday by the Security Council on the situation in the Democratic Republic of the Congo and Rwanda (S/PRST/2004/45) is a further step reflecting our interest in the establishment of peace and stability in the region.

Fourthly, my delegation supports the recommendations in the report (S/2004/934). Because of their pertinence and urgency, I would underline a number of them: first, the request for the international community to assist in the advancement of the transition process in Burundi and the Democratic Republic of the Congo, including in the preparation of elections; secondly, the need for the Transitional Government in the Democratic Republic of the Congo to develop its programme of disarmament, demobilization, reintegration and resettlement or repatriation in order to address the problems related to the presence of foreign armed groups in its territory; thirdly, the request for the Governments of Rwanda and the Democratic Republic of the Congo to implement expeditiously the Joint Verification Mechanism already agreed on by both parties; and, last but not least, the recommendation that the Council undertake a deeper reflection on the issue of the Forces nationales de libération with a view to considering what additional measures could be taken against those in that movement who compromise the peace process.

Mr. Thomson (United Kingdom): I would like to begin by joining others in thanking Ambassador De La Sablière for his superb leadership of the Council's mission. The delegation of the Netherlands has already delivered a statement on behalf of the European Union, and I associate my delegation with that statement.

I want to begin where my German colleague left off. Our efforts are about peace for ordinary people. We met impressive representatives of civil society in both the Democratic Republic of the Congo and Burundi.

I should like to make a few remarks about the Democratic Republic of the Congo, underlining some of the recommendations from the mission's report (S/2004/934). Civil society in the Democratic Republic of the Congo clearly wants elections, and peace

through elections, in 2005. That makes essential rigorous pursuit of the road map by the Government of the Democratic Republic of the Congo. That in turn requires the *espace présidentiel* to work together and with Parliament. It also requires their collaboration with the international community, especially the International Committee in Support of the Transition (CIAT). My Government considers it extremely important that all three joint commissions of the Government of the Democratic Republic of the Congo and CIAT — that is, the commissions on security-sector reform, elections and legislation — should get under way. We welcomed President Kabila's assurance to the mission, when we met him, that all three would be up and running before the end of the year.

I should now like to make three points about the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and its functioning. The first relates to our concern that the issue of sexual exploitation should be gripped hard immediately. Urgent investigation and rapid action by the United Nations and troop-contributing countries is essential. The second point is that it is also essential that MONUC should use its enhanced resources effectively. We think that that means focusing on security-sector reform, on disarmament, demobilization, reintegration and repatriation or resettlement (DDRRR) and on elections. The third point is that this is going to be extremely demanding for MONUC in 2005. Among other things, we would like MONUC to help catalyse the international community's work on security sector reform in the Democratic Republic of the Congo and to give early attention to the support for the election process that MONUC and the international community must deliver. We would welcome early recommendations from MONUC and the Secretary-General on that point, concerning election support.

I shall now make some points about the eastern Democratic Republic of the Congo. As our mission report underlines, instability in that part of the country has an impact on the whole Great Lakes region. To address that problem, leaders in the region must collaborate and must use their many agreed mechanisms, not threats and inflammatory language. The threats from Rwanda, even while the Council's mission was under way, were unacceptable.

As the mission's report also observes, as long as the problem of members of the former Rwandan Armed Forces (ex-FAR)/Interahamwe persists in the Democratic Republic of the Congo, it will be a source of instability in the region. Our presidential statement (S/PRST/2004/45) yesterday recognized that. The Government of the Democratic Republic of the Congo and MONUC have a plan for ensuring the disarmament and repatriation of the ex-FAR/Interahamwe, and it needs to be accelerated as much as possible. Progress in the Kivus, but also in Ituri, therefore depends crucially on the construction of a Congolese national army and on DDRRR.

Turning briefly to Burundi, I wish to underline just two points. The first is that, while Burundi faces a demanding election schedule, the Council mission came away confident that that schedule could now be achieved and deserved our support, but that elections are not an end in themselves and that attention to the post-election political environment is essential. Secondly, I want to underline the importance of the issue of impunity. We look forward to an early report from the Secretary-General in that regard.

Finally, I welcome the fact that the Council was able to discuss with President Museveni of Uganda ways and means to find a solution to the conflict in northern Uganda, which has caused a grievous humanitarian crisis. There have been some encouraging steps in the peace process, but we are convinced that that is a situation that the Council needs to continue to monitor.

Mr. Mercado (Philippines): Allow me to begin by taking this opportunity to express our congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of December. We would also like to commend Ambassador Danforth and other members of the United States delegation on their successful presidency in November. Likewise, we join other delegations in thanking Ambassador De La Sablière for his able leadership of the mission to Central Africa.

There is no doubt that the Council considers developments in Central Africa very seriously. During the past 12 years, eight of the Council's 24 missions were to the region. The recent mission is but one manifestation of this body's continued concern over the situation in the region. The timing and impact of the mission take on greater significance because the mission came on the heels of the successful convening of the Great Lakes Conference in Dar es Salaam.

My delegation believes that the mission and the Conference complemented each other, and it is in that context that we would like to highlight the following points.

First, just as the 11 heads of State pledged to fully support the national processes in the region, the Security Council and the international community should also express the same solid support, particularly with respect to the Democratic Republic of the Congo and Burundi. We are pleased that the transitional peace processes in the Democratic Republic of the Congo and in Burundi have been proceeding at a brisk pace. We therefore encourage the leaders of the Transitional Governments of the Democratic Republic of the Congo and of Burundi to accelerate their efforts to prepare for the holding of elections next year and to persevere in their commitment to make the peace processes irreversible.

Secondly, aware that those leaders recognize the need to respect the fundamental principles of territorial integrity, sovereignty, non-interference and non-aggression, the Security Council and the international community should continue to impress strongly on the countries in the region that cross-border issues — such as the problem of foreign armed combatants — must be resolved through the available multilateral, regional and bilateral mechanisms, in a spirit of sustained dialogue and cooperation. The Council's position on the current border problem in the region was clearly set out in the presidential statement (S/PRST/2004/45) issued yesterday.

Thirdly, mindful of the importance accorded economic development and humanitarian and social issues, as evidenced by the preponderance of commitments in the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, the Security Council should exert its influence by urging the international community — particularly donor countries — to extend the needed financial and technical assistance to those countries in order to help alleviate poverty. A case in point is in Burundi, where all the interlocutors whom the mission met repeatedly mentioned the direct link between peace and development, particularly the need to address the dire poverty in the country through the mobilization of funds necessary for economic recovery and national reconstruction, including relief from external debt.

Fourthly, my delegation reiterates its view that the elections are not the be-all and end-all of the process and that the post-election scenario and the preparations for activities in its aftermath are just as important. The addressing of post-conflict peacebuilding issues should begin as early as possible, if not now. The region also needs assistance for its 127 million people, who are struggling to cope with raging conflicts, repeated and continued displacement, drought and disease, including the HIV/AIDS pandemic.

Fifthly, acknowledging the invitation to the United Nations to assist the member States of the Conference on the Great Lakes Region, the Security Council should be prepared to contribute its share to its two major peacekeeping operations in the region: the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Operation in Burundi (ONUB). My delegation would like to take this opportunity to commend MONUC and ONUB, particularly their leaders, Special Representative of the Secretary-General William Swing and Special Representative of the Secretary-General Carolyn McAskie, for their constructive roles in helping the peace processes in their respective jurisdictions.

Finally, the Great Lakes conference ended with the setting up of follow-up mechanisms designed to ensure that work on implementing the Dar es Salaam Declaration continues until the second summit is held a year from now in Kenya. We hope that, by the time the second conference is convened and the Council once again visits the region, the countries will have already implemented several of the commitments contained in the Declaration and will have taken solid steps forward in achieving peace, security, democracy and development in the Great Lakes region.

Mr. Akram (Pakistan): The Pakistan delegation would like first of all to extend its congratulations to Ambassador Baali and the Algerian delegation upon assuming the presidency of the Security Council this month. We would also like to express our appreciation and thanks to the successful American presidency last month under the able leadership of Ambassador Danforth.

I wish to take this opportunity to thank Ambassador Jean-Marc de La Sablière for leading the Security Council mission to the Great Lakes region and

for presenting its report. The mission reaffirmed the Council's commitment to peace and security in that important region. I would like to take this opportunity to make the following comments and suggestions:

First, in the Democratic Republic of the Congo, the main challenge now is to continue to support the peace process. There have been some justifiable expressions of skepticism. Efforts should continue to ensure that the Transitional Government begin to function as a unified national Government and that the parties therein abide by their commitments, especially with regard to elections, security sector reform and the disarmament, demobilization and reintegration of militias.

Second, effective efforts have to be made to disarm local and foreign armed groups, like the Mayi-Mayi, and the Hema and Lendu militias, as well as the ex-FAR/Interahamwe, which remain outside the political process. Political measures to ensure a smooth transition need to be accompanied by a strengthening of the Democratic Republic of the Congo's national institutions and their capacity to exert State authority throughout the country.

Third, regional stability is crucial in order to protect and promote the transition process in the Democratic Republic of the Congo. Pakistan attaches the highest importance to respect for the principles of sovereignty, independence and territorial integrity for all States. International borders are inviolable. In the absence of actual external military aggression, the threat or use of force across international borders cannot be justified. As the Security Council's presidential statement has declared, Rwanda should withdraw without delay any forces that might be in the Democratic Republic of the Congo and exercise restraint in its actions and pronouncements. At the same time, the problem for regional security posed by the ex-FAR/Interahamwe also needs to be addressed. In that regard, we suggest the development of a more effective strategy to disarm and repatriate those groups. The Tripartite Commission, as well as the Joint Verification Mechanism between Rwanda and the Democratic Republic of the Congo should be more effectively utilized in that context.

Fourth, the transitional process in Burundi, despite the challenges to it, is moving forward in the right direction. The international community must support that adequately. However, the threat posed by FNL (Rwasa), and its cross-border links with other extremist forces, as testified to by the Gatumba massacre, will have to be addressed in a comprehensive manner.

Fifth, the deployment of the United Nations Operation in Burundi (ONUB) and the ongoing build-up of United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in eastern Democratic Republic of the Congo should contribute to improving mutual confidence between the Democratic Republic of the Congo, Rwanda and Burundi and thus enhance security and stability in the region. Pakistan has contributed a brigade to MONUC for the South Kivu area. That is in addition to our contribution of a mechanized infantry battalion for MONUC's Ituri brigade. A Pakistani battalion has also deployed with ONUB in Burundi's Cibitoke Province across the Democratic Republic of the Congo border. The deployment of Pakistani units on both sides of the Burundi-Democratic Republic of the Congo border will, in our view, considerably enhance coordinated United Nations peacekeeping action in the region.

Sixth, the illegal exploitation of natural resources of the Democratic Republic of the Congo is a root cause of the complex threats to peace and stability in the region. As one of our colleagues on the Council's mission privately observed, the Democratic Republic of the Congo is "too big, too rich and too weak". The illegal exploitation of the Democratic Republic of the Congo's resources motivates the militias and funds their campaign of violence and pillage. But the major profits of such illegal exploitation often end up in coffers far removed from the Great Lakes region. Until that rape of the Democratic Republic of the Congo's resources is stopped, it will be difficult to promote peace, security and prosperity in that unfortunate country. Until then, corruption and conflict will continue in the region. That issue has to be addressed. The Security Council — or if the Council cannot act, some other United Nations organ — should follow up on the Kassem report and investigate and identify those involved in the illegal exploitation of natural resources and those who finance or profit from that, thus enabling the international community to end that unfortunate legacy that has afflicted the Democratic Republic of the Congo and other nations for so long.

Seventh, peace and development are indivisible. The consolidation of peace in the region requires sustained international commitment, particularly from

the donor community, to support economic and social development in the region. Without that, conflict may be a recurring feature in the Great Lakes region.

Finally, we need to ensure ways and means to realize the objectives and decisions of the recent summit conference on the Great Lakes to promote comprehensive peace and prosperity. In particular, it is essential to put in place effective regional mechanisms for the peaceful settlement and resolution of disputes in accordance with the Charter of the United Nations.

The President *(spoke in Arabic)*: I thank the representative of Pakistan for his kind words addressed to Ambassador Baali and the Algerian delegation.

Mr. Adechi (Benin) *(spoke in French)*: I would like to thank the representative of France for the summary of the report that he has given us. I would also like to pay tribute to him for the professionalism he displayed as head of the Security Council mission during our stay in Central Africa. We fully share his analysis of the situation with respect to the recent events that have taken place in that sub-region, and also with respect to the peace process underway in Central Africa. We believe that the Council's message was clear and expressed the willingness of the international community to facilitate the peace process in the sub-region. We hope that the Council's message in that regard was well understood.

I would simply like to make the following comments. It seems that the most important challenges to be addressed in both Burundi and the Democratic Republic of the Congo consist of adherence to the timetable for the elections and the establishment of institutions. It also seems that the question of the armed presence of ex-FAR Interahamwe should also be monitored more carefully by our Council and that a practical and urgent solution should be found by the international community with a view to holding peaceful elections throughout the entire territory of the Democratic Republic of the Congo and Burundi, but also in order to finally give Rwanda a guarantee of the security that it needs along its border with the Democratic Republic of the Congo. It is also crucial that the Joint Verification Mechanism become operational immediately, as well as the tripartite mechanism that involves Uganda. It seems today that the presence of ex-FAR and other armed groups must be addressed from the point of view of their subregional involvement.

The Council should also discuss further the question of disarmament, demobilization, repatriation and reintegration of ex-FAR/Interahamwe. The principle of their disarmament and their demobilization is now accepted, and there is no need to go further into that. However, on the question of the threat of genocide, we believe that we have to go beyond the logic of the fable of the wolf and the lamb, and look at the human rights dimension of the problem. Today, the question of genocide is taken into account by the international community through a certain number of mechanisms and instruments.

In this connection, we have to adopt the approach of individual responsibility rather than the wholesale condemnation or demonization of a political movement, an armed group or an ethnic group. Having said this, we believe that finding a solution to the question of the threat of the presence of ex-FAR/Interahamwe should be considered within the framework of bilateral and trilateral mechanisms that have been set up. Parties must refrain from any unilateral action, because it is only in this way that they can show that they are truly committed to the objective of stabilizing the region and thus contribute to the efforts made by the international community to strengthen the peace process in the region.

We also have to think further about effective ways to combat impunity so as to discourage all those who are thwarting the efforts of the international community and to prevent events as tragic as the ones that we saw in the Gatumba refugee camp. The credibility of the Council is also at stake, because the people in this region are impatiently awaiting the establishment of an international commission to investigate that crime.

We also have to deal more carefully with the illegal exploitation of natural resources in the Democratic Republic of the Congo, especially since this phenomenon has implications not only for security but also for the spread of corruption. It could also have implications on governance, once institutions have been set up after the eagerly awaited elections.

With the international conference on the Great Lakes region and dialogue structures already under way at the bilateral and multilateral level, the necessary instruments exist to restore peace to the subregion and to establish the basis for a gradual implementation of development plans for the

subregion. We have to encourage dialogue as well as concessions, which are the only way of making progress towards peace.

Furthermore, the Council should closely follow the implementation of the conclusions of the mission to Central Africa. A possible quarterly review, I think, would be appropriate in order to bring pressure to bear on the parties.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): We believe that the Algerian presidency of the Security Council deserves praise for having organized this open meeting of the Council on the recent mission that we carried out to Central Africa, which gives us a possibility of assessing the results of the mission and to think together with other Member States of the Organization about how this Council and the United Nations as a whole could continue working actively in order to promote peace, stability and progress in the Great Lakes region. Before continuing, I would like to point out that Spain, of course, supports what has already been expressed by the representative of the Netherlands on behalf of the European Union.

The Security Council's mission to Central Africa, led skilfully by Ambassador de La Sablière, took place at a particularly complex time, because, on the one hand, the key States of the region, such as the Democratic Republic of the Congo and Burundi, find themselves in a crucial phase of their respective transition processes, and on the other hand, it is also clear that the regional dimension is taking on a growing importance.

With respect to the transition process in the Democratic Republic of the Congo, we have to stress the need for Congolese political forces to reach an agreement that would make it possible to quickly adopt a constitutional text as well as approve pending legislative texts that would lead to holding elections planned for June 2005. Furthermore, the security sector reform and, more concretely, the establishment of unified armed forces and the reform of the police sector are of particular importance and are urgent at the moment. Holding elections requires safety conditions which can only be guaranteed through the deployment of a sufficient number of troops from the future integrated armed forces of the Democratic Republic of the Congo.

Furthermore, as the mission was able to observe in Bukavu, the deployment of contingents made up of Congolese integrated forces is crucial in order to address the instability in the eastern part of the Democratic Republic of the Congo, in particular, the provinces of Ituri and the Kivus.

With respect to the situation in Burundi and after the agreement between the political parties on the new constitution, priority actions include the quick approval of pending legislative texts, respect of the electoral calendar, as well as making significant progress in the demobilization process. The authorities of Burundi have to tackle all this, relying on the continued and effective assistance of the international community.

In any case, as the Council's mission stressed on several occasions on their visit to the region, elections are a necessary factor within the transition process, but this should not be considered an end in itself. Once the transition period is over in the Democratic Republic of the Congo and in Burundi, after the holding of free, democratic and broadly participatory elections in the scheduled timelines, we will begin a new and important phase in which Governments that have emerged from the elections will have to work actively in order to promote reconciliation, peace and sustainable development with the support of the international community. Experience has shown us that the period that follows the first elections after a conflict raises significant challenges, and it is up to everyone, in particular the victors in the election, to place national interest before particular interests so that they may guarantee long-term stability and progress.

With respect to the regional dimension, in recent times, we have seen important initiatives at the bilateral, trilateral and multilateral level among the countries concerned. I am referring to the establishment of the Joint Verification Mechanism between the Democratic Republic of the Congo and Rwanda, the completion of the October 2004 tripartite agreement between the Democratic Republic of the Congo, Rwanda and Uganda, as well as the signing of the Dar es Salaam Declaration on 20 November, following the first summit of the international conference on the Great Lakes region of Africa. It is crucial that the States involved, instead of resorting to any type of unilateral action, should use those mechanisms and provisions, both to resolve any dispute and, above all, to promote trust and cooperation within the entire region.

The countries of Central Africa are facing important challenges at both at the national and regional levels. The political will of the States in the region — of their leaders and their political forces — to move forward along the path of peace, stability and development is paramount and irreplaceable. We trust that the Security Council will continue to provide support to encourage the processes under way and to help to lay the foundations for lasting peace in the region, a necessary condition for the progress and economic and social development of the peoples of the region.

The President *(spoke in Arabic)*: I thank the representative of Spain for his kind words addressed to me.

Mr. Gaspar Martins (Angola): I wish to start by thanking the Algerian presidency for convening this important meeting. I would also like to congratulate the Permanent Representative of France, Ambassador Jean-Marc de La Sablière, for the way he conducted the Security Council mission to the Central African region. The mission spoke with one voice, and there was teamwork. The leaders of the region whom we met were very attentive to the messages that the Council had to deliver.

The Council mission took place at a crucial moment, as the sustainability of peace and stability in both Burundi and the Democratic Republic of the Congo will depend mostly on the achievements to be reached by the main national actors and by the international community during this transition period. Last week, Ambassador de La Sablière spoke on the positive developments in Burundi and the Democratic Republic of the Congo, as well as on the difficulties facing this process in those countries.

My delegation is deeply concerned at the developments in the eastern part of the Democratic Republic of the Congo. In our opinion, the countries of the region should avoid any action contrary to the spirit of the Dar es Salaam Declaration on the Great Lakes, which states that the countries of the Great Lakes region "fully support the national peace process in the region and refrain from any acts, statements or attitudes likely to negatively impact them, including through the media".

When the mission visited Rwanda and the Democratic Republic of the Congo the issue of the ex-Far/Interahamwe was fully discussed at the appropriate level, as all Council members have previously stated. In both countries those forces were recognized as a source of instability in the region — and they are. There is, therefore, a common understanding on the need to find a solution to the ex-Far/Interahamwe issue, one independent of the perception of each of the countries and of the Security Council. In our opinion, the long-lasting solution to this issue should be found through dialogue and the operationalization of the existing bilateral and multilateral mechanisms, such as the Joint Verification Mechanism and the tripartite agreement, and in full respect of the sovereignty, territorial integrity and unity of the countries of the region.

Other factors that concur for the same objective are the ongoing enhancement of the presence of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in the east of that country; the development by the Congolese authorities of the disarmament, demobilization, repatriation, reintegration and resettlement plan, to be supported by MONUC in particular; and the ongoing "Walungu operation", a joint exercise of the Congolese Armed Forces and MONUC aimed at repatriating Rwandan armed elements.

The use of legal instruments such as an arms embargo, and a more proactive attitude on the part of the international community with regard to the illicit exploitation of natural resources, which has been referred to here very vividly by the Ambassador of Pakistan — and we support his idea — will also contribute to the same purpose.

The countries of the region should, therefore, refrain from any action that may only exacerbate an already volatile situation and fuel tension among local communities.

Regarding Burundi, it is important that the international community adopt a concerted position on the FNL (Rwasa) question, in conformity with the position of the countries of the region that classify the FNL as a terrorist group.

Everything possible should be done to ensure that the elections in the Democratic Republic of the Congo and in Burundi will constitute a new source of hope and not the beginning of another cycle of violence. It is, therefore, important that the holding of elections not be considered an end in itself. The question of power-

sharing in the post-electoral period should be central to the political strategy of the two countries.

My delegation particularly appreciates the importance given to the regional dimension in these discussions. We are dealing with countries that have more to share than to divide them, taking into account their history and the traditional ties of their people. Burundi's request to join the bilateral and trilateral mechanisms created by Rwanda, the Democratic Republic of the Congo and Uganda deserves the attention of the countries concerned, as well as that of our Council.

Good examples of the past, such as the Economic Community of the Great Lakes Countries, are a source of inspiration for the countries' confidence-building process at the present stage. In this connection, the recommendations made by the multidisciplinary mission to the region, led by Assistant Secretary-General Kalomoh two years ago, are of great importance and require due implementation.

Finally, my delegation fully supports the recommendations set out in the mission's report. They contain elements that will help our Council to continue to work jointly with the authorities of the countries and with the regional and subregional authorities. This will render the usefulness of our mission more relevant and timely than ever.

The President *(spoke in Arabic)*: I thank the representative of Angola for the kind words addressed to the presidency.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.